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House of Representatives

Rules of Government

Rules of Government

These rules govern the conduct of the House of Representatives.

They are subject to change by the House.

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v. 15
no. 12
March
22, 1991



GEORGE H. RYAN
Secretary of State

VOLUME 15
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1991

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Secretary of State
Administrative Code Div.
288 Centennial Bldg.
Springfield, IL 62756

(217) 782-9786



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ILLINOIS REGISTER

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v. 15
no. 12
Illinois register
Received on: 03-26-91

Rules of Governmental Agencies

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1991

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991	June 25, 1991	July 2, 1991	28	July 12, 1991
Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991	July 2, 1991	July 9, 1991	29	July 19, 1991
Dec. 31, 1990	Jan. 8, 1991	3	Jan. 18, 1991	July 9, 1991	July 16, 1991	30	July 26, 1991
Jan. 8, 1991	Jan. 15, 1991	4	Jan. 25, 1991	July 16, 1991	July 23, 1991	31	Aug. 2, 1991
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Jan. 22, 1991	Jan. 29, 1991	6	Feb. 8, 1991	July 30, 1991	Aug. 6, 1991	33	Aug. 16, 1991
Jan. 29, 1991	Feb. 5, 1991	7	Feb. 15, 1991	Aug. 6, 1991	Aug. 13, 1991	34	Aug. 23, 1991
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Feb. 11, 1991	Feb. 19, 1991	9	Mar. 1, 1991	Aug. 20, 1991	Aug. 27, 1991	36	Sept. 6, 1991
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Mar. 19, 1991	Mar. 26, 1991	14	Apr. 5, 1991	Sept. 24, 1991	Oct. 1, 1991	41	Oct. 11, 1991
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May 14, 1991	May 21, 1991	22	May 31, 1991	Nov. 19, 1991	Nov. 26, 1991	49	Dec. 6, 1991
May 21, 1991	May 28, 1991	23	June 7, 1991	Nov. 26, 1991	Dec. 3, 1991	50	Dec. 13, 1991
May 28, 1991	June 4, 1991	24	June 14, 1991	Dec. 3, 1991	Dec. 10, 1991	51	Dec. 20, 1991
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June 11, 1991	June 18, 1991	26	June 28, 1991	Dec. 17, 1991	Dec. 24, 1991	1	Jan. 3, 1992
June 18, 1991	June 25, 1991	27	July 5, 1991	Dec. 24, 1991	Dec. 31, 1991	2	Jan. 10, 1992

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Commodity Group Definitions
- 2) Code Citation: 92 Ill. Adm. Code 1311
- 3) Section Numbers: 1311.10
Proposed Action: New Section
- 4) Statutory Authority: Implementing Section 18c-1202 and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 18c-1101 et seq.
- 5) A Complete Description of the Subjects and Issues Involved: These rules are intended to address the enforcement problems created when a specific commodity, depending on its form, destination, or packaging, could be included in a number of different commodity groups.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives? This proposed amendment neither creates nor expands any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

Office of Transportation Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62794

Comments should be filed within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

- A) Date amendment was submitted to Business Assistance Office of the Department of Commerce and Community Affairs: March 6, 1991
- B) Types of small businesses affected: This amendment will affect those carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping or other procedures required for compliance:
- D) Types of professional skills necessary for compliance:

The full text of Proposed Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: MOTOR CARRIERS OF PROPERTYPART 1311
COMMODITY GROUP DEFINITIONSSection
1311.10 Definitions

AUTHORITY: Implementing Section 18c-1202 and authorized by Section 18C-1202(9) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 18C-1101 et seq.).

SOURCE: Adopted at 15 Ill. Reg. , effective , 1991.

Section 1311.10 Definitions

- a) Building materials/construction materials include any commodity which will be used, in its present form, in the construction or repair of a building and become a part thereof. A commodity which may be used in the construction or repair of a building, but which may also have another use, can be transported under building material authority only to a building construction site.
- b) Building supplies/construction supplies include commodities consumed in the construction or repair of a building such as disposable items or fuel for heaters and mixers.
- c) Building equipment/construction equipment/contractors equipment includes commodities used in construction or repair of a building such as tools, ladders and scaffolding.
- d) Farm products/farm commodities/agricultural commodities include commodities grown or raised on a farm moving from the farm to the first point of storage, marketing or processing. These generic terms include grain, hay, straw, livestock, poultry, milk, fruits, vegetables and produce moving from the farm. The term "farm" shall include nurseries, tree farms and greenhouses and these generic terms would allow the transportation of trees, shrubs, potted plants and bedding plants.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- e) Farm supplies include commodities to be used on a farm in furtherance of the business of farming, in the form in which the commodity will be used, such as feed, seed, fertilizer and farm machinery. A commodity which may be a farm supply, but which may have another use, can be transported under farm supply authority only to a farm site. Commodities which are common to both urban and farm living, such as food, clothing and household and personal effects are not included in this generic term.
- f) Road building materials include commodities which will be used, in their present form, in the construction or repair of a road. A commodity which may be used in the construction or repair of a road, but which may have another use, can be transported under road building materials authority only to a road construction site. As used in this context "road" includes parking lots, driveways and airport runways.
- g) Commodity descriptions such as metal products or articles or plastic products or articles do not describe a particular commodity but describe the source of a commodity. A finished product made entirely of metal or plastic can be hauled under such a commodity description. Metal raw materials or plastic raw materials cannot be hauled under such a commodity description.
- h) Commodities in bulk consist of fungible goods which can be poured, scooped or shoveled and are of such size that they cannot be handled piece by piece. Such commodities are transported in a loose mass, not in an orderly arrangement, not packaged or in containers, restrained during transportation only by the sides and bottom of the transporting vehicle and transported in dump or tank-type vehicles.
- i) General Commodities/Commodities General/Freight with no exceptions or restrictions, grant the authority to transport all commodities by all methods and by all types of equipment.
- j) Merchandise includes commodities sold or to be sold at retail in the form in which they are usually sold. A case of one quart cans of motor oil could be transported under merchandise authority while a tank truck load of crude oil could not. A tire could be

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

transported to an automobile supply store under merchandise authority while a tire being transported to an automobile manufacturer could not. A restriction to retail merchandise requires that the origin or destination of the shipment must be a retail store or the warehouse of a retailer. A restriction to wholesale merchandise requires that the origin or destination of the shipment must be a wholesaler or the warehouse of a wholesaler.

(Source: Adopted at 15 Ill. Reg , effective)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 1) HEADING OF THE PART: Dove Hunting
- 2) CODE CITATION: 17 Ill. Adm. Code 730
- 3) SECTION NUMBERS:
730.10 Amendments
730.20 Amendments
730.30 Amendments
PROPOSED ACTION:
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5).
- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: Amendments to this Part are being made to update season dates, update regulations on sites and to add one new site.
- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No
- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No
- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No
- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.
- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787
- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 730
DOVE HUNTING

Section

730.10 Statewide Regulations
730.20 Regulations at Various Department-Owned or -Managed Sites
730.30 Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5).

SOURCE: Adopted at 5 Ill. Reg. 8792, effective August 25, 1981; codified at 5 Ill. Reg. 10644; amended at 6 Ill. Reg. 9631, effective July 21, 1982; emergency amendment at 6 Ill. Reg. 10040, effective August 2, 1982; amended at 7 Ill. Reg. 10767, effective August 24, 1983; emergency amendment at 7 Ill. Reg. 10999, effective August 24, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 13680, effective July 25, 1984, amended at 9 Ill. Reg. 11601, effective July 16, 1985; emergency amendment at 9 Ill. Reg. 14025, effective September 4, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 15590, effective September 16, 1986; amended at 11 Ill. Reg. 9526, effective May 5, 1987; amended at 11 Ill. Reg. 11346, effective June 10, 1987; amended at 12 Ill. Reg. 12186, effective July 15, 1988; amended at 13 Ill. Reg. 10513, effective June 15, 1989; amended at 14 Ill. Reg. 11193, effective June 29, 1990; amended at 15 Ill. Reg. _____, effective _____.

Section 730.10 Statewide Regulations

- a) Dove regulations are in accordance with Federal Regulations, unless the regulations in this rule are more restrictive. (50 CFR 20.21, 1983; 50 CFR 20.103, 1990)
- b) Season dates: September 1 - October 30.
- c) Hunting hours: Noon to sunset.
- d) Daily limit: 15.
- e) Possession limit: 30 after the first hunting day.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 15 Ill. Reg. _____, effective _____).

Section 730.20 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and trapping apply in this Section, unless this Section is more restrictive.

b) General Regulations

- 1) Hunters shall use only steel shot size 6 or smaller on the following areas:

Anderson Lake Conservation Area

Banner Marsh Fish and Wildlife Area

Carlyle Lake Wildlife Management Area
(subimpoundments only)

Chain O'Lakes State Park

Hennepin Canal Parkway State Park

Horseshoe Lake Conservation Area (Alexander County)

~~Kaskaskia River State Fish and Wildlife Area
(steel shot in designated areas only)~~

Rend Lake Project Lands and Waters

Sanganois Conservation Area

Sangchris Lake State Fish and Wildlife Area

Shabbona State Park

Snake Den Hollow State Fish and Wildlife Area

Union County Refuge Conservation Area

Wayne Fitzgerald State Recreation Area

- 2) Hunters shall use only shot size 7 1/2, 8 or 9 lead

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NOTICE OF PROPOSED AMENDMENTS

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or 6 steel or smaller on all areas, except as noted under subsection (b)(1).

- c) Statewide season regulations as provided for in this rule shall apply at the following areas (exceptions are in parentheses):

AMAX Leased Lands (5:00 p.m. closing September 1 through Labor Day, statewide closing thereafter)

Anderson Lake Conservation Area (5:00 p.m. closing September 1 through Labor Day, statewide closing thereafter)

Argyle Lake State Park (5:00 p.m. closing September 1 through Labor Day; statewide closing thereafter)

Banner Marsh State Fish and Wildlife Area (September 1 - 30; 5:00 p.m. closing September 1 through Labor Day; statewide closing thereafter)

Big Bend Conservation Area (5:00 p.m. closing September 1 through Labor Day; statewide closing thereafter)

Big River State Forest (5:00 p.m. September 1 through Labor Day; statewide closing thereafter)

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area

Chain O'Lakes State Park (Season dates are September 1 - 91, 2, 3, 4, 7, 8, 11, 14, 15 only, 5:00 p.m. closing; daily quota filled on first-come, first-serve basis; check in and check out required; all hunting must be done within 10 feet of Department of Conservation (Department or DOC) marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when walking to and from hunting areas; DOC issued back patch must be worn while hunting)

Clinton Lake State Park (No hunting within 100 yards of dove management units; dove management units only, September 1 - 5, 5:00 p.m. closings; daily quota filled by drawing at designated units at 11:00 a.m.) (No hunting within 100 yards of dove management units; in dove management units, shooting hours end at 5:00 p.m. daily September 1-5 and daily quotas are filled by daily drawings)

Crawford County Conservation Area (5:00 p.m. closing, September 1 - 30; statewide regulations thereafter)

Des Plaines Conservation Area (Season dates are September 8, 9, 15, 16, 22, 23, 29 and 30, 8, 14, 15, 21, 22, 28 and 29 only; 5:00 p.m. closing; daily quota filled on first-come, first-serve basis; check in and check out required; all hunting must be done within 10 feet of DOC marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when walking to and from hunting areas; DOC issued back patch must be worn while hunting)

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and West of Peppenhurst Branch)

Ferne Clyffe State Park

Ft. de Chartres State Historic Site (hunting with muzzle-loading shotgun only)

Ft. Massac State Park (5:00 p.m. closing)

Fox Ridge State Park (Dove Management Units only, September 1 - 3, 5:00 p.m. closing; daily quota filled by drawing at designated units at 11:00 a.m. after September 3, governed by subsection (d))

Giant City State Park (September 1 - 5; 5:00 p.m. closing; statewide regulations thereafter)

Green River State Wildlife Area (Lee County Conservation Area) (Season dates are September 6 - October 30 only; season closed during dog field trials; 5 p.m. closing)

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Hamilton County Conservation Area (5:00 p.m. closing September 1 - 30; statewide regulations apply thereafter)

Heidecke Lake State Fish and Wildlife Area (Season dates are September 1 - 5, 5:00 p.m. closing; September 6 - 15 statewide hours; daily quota filled on first-come, first-serve basis; check in and check out required; all hunting must be done within 10 feet of DOC marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when walking to and from hunting areas)

Hennepin Canal Parkway State Park (Season dates are September 1 - 10, and on Saturdays, Sundays and Wednesdays from September 11 - 30, 5:00 p.m. closing)

Hidden Springs State Forest (Dove management units only, September 1 - 3, 5:00 p.m. closing; daily quota filled by drawing at designated units at 11:00 a.m.; after September 3, governed by subsection (d))

Horseshoe Lake Conservation Area - Alexander County

Horseshoe Lake State Park - Madison County (Season dates are September 1 - 30, 5:00 p.m. closing)

I-24 Area (Season dates are opening day, Wednesdays, Saturdays and Sundays only, 5 p.m. closing)

Iroquois County Conservation Area (September 1 - 75, 5:00 p.m. closing; daily quota filled on first-come, first-serve basis by drawing. DOC backpatch required; after September 75, statewide hours and seasons apply; hunting permitted only in designated areas; DOC issued back patch required September 1 - fall hunting must be done within 10 feet of DOC marked sites)

Johnson Sauk Trail State Park (Season dates are September 1 - 15, except closed Saturday and Sunday of Labor Day weekend, 5:00 p.m. closing)

Jubilee College State Park (Season dates are September 1 - 21 on Wednesdays, Saturdays, Sundays and holidays, 5:00 p.m. closing)

DEPARTMENT OF CONSERVATION

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Kankakee River State Park (Season dates are September 6 - 30, daily quota filled on first-come, first-serve basis; hunters must check in and check out; all hunting must be done within 10 feet of DOC marked sites; no gun may be carried into dove fields beyond hunting line)

Kaskaskia River State Fish and Wildlife Area (Hunting allowed on designated areas on odd number dates only during first week of season then everyday thereafter; steel shot size 6 or smaller only 7-5:00 p.m. closing)

Kickapoo State Park (Hunters must check in and check out)

Lake Kinkaide Fish and Wildlife Area

Lake Le-Aqua-Na State Park (Season dates are September 1 - 15 except closed Saturday and Sunday of Labor Day weekend; except September 1 through 10 5:00 p.m. closing)

Lake Shelbyville-Kaskaskia and West Okaw Fish and Wildlife Areas (dove management areas only, September 1 - 3, 5:00 p.m. closing; daily quota filled by drawing at 11:00 a.m. daily; statewide regulations apply to the rest of the site except no hunting within 300 yards of dove management areas)

Little Black Slough State Natural Area

Lower Cache River State Natural Area

Mackinaw River State Fish and Wildlife Area (September 1 - 30, 5 p.m. closing)

Marseilles Fish and Wildlife Area (Season dates are September 1 through the 1st Thursday after Labor Day, 5:00 p.m. closing; thereafter open Monday through Thursday, thereafter only and statewide hours apply)

Marshall State Fish and Wildlife Area

Matthiessen State Park (Season dates are September 1 - 15 only on opening day, holidays, Wednesdays,

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Saturdays and Sundays; except closed the Saturday and Sunday of Labor Day weekend; 5:00 p.m. closing)

Mazonia State Fish and Wildlife Area (Season dates are September 1 - two weeks before duck season; hunters must check in and check out)

Mermet Lake Conservation Area (Season dates are opening day, Wednesdays, Saturdays and Sundays only, 5:00 p.m. closing; daily hunter quota 30 hunters, filled on a first-come, first-serve basis)

Middle Fork State Fish and Wildlife Area (September 1 - 7, 5:00 p.m. closing; daily quota filled by drawing at site 11:00 daily, registration begins at 10:00 a.m.; after September 7, statewide regulations apply; at all times, hunters must maintain 20 yard spacing and hunt in designated areas only)

Mississippi River Pools 16, 17, 18, 21, 22, 24

Mississippi River Pools 25, 26 (at Red's Landing, Rip Rap Landing, Stump Lake, Hadley Landing, Michael and Calhoun Point, noon - 5:00 p.m. from September 1 - 5, thereafter noon - sunset)

Moraine View State Park September 1 - 7, 5:00 p.m. closing; daily quota filled on first-come, first-serve basis; after September 7 statewide hours and seasons apply, hunters must check in and check out; at all times, hunters must wear DOC issued back patch and hunt in designated areas only)

Morrison-Rockwood State Park (Season dates are September 1 - 15 except closed Saturday and Sunday of Labor Day weekend; 5:00 p.m. closing)

Mt. Vernon Game Farm (Season dates are 5:00 p.m. closing; Wednesdays, Saturdays and Sundays only)

Panther Creek Conservation Area

Pike County Conservation Area (noon - 5:00 p.m. all season; hunting by staked sites only)

Pyramid State Park (5:00 p.m. closing)

Railsplitter State Park (Season dates are September

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6 - 17; hunter quota to be filled on a first-come basis; hunters must hunt from within 10 feet of a hunter stake; no shooting except in the direction of the assigned fields)

Ramsey Lake State Park (5:00 p.m. closing)

Randolph County Conservation Area (5:00 p.m. closing; September 1-5; statewide regulations apply thereafter)

Red Hills State Park (Season dates are 5:00 p.m. closing; Wednesdays, Saturdays and Sundays only September 1 - 30; statewide regulations apply daily thereafter)

Rend Lake Wildlife Management Area Project Lands and Waters (5:00 p.m. closing)

Rockhouse Creek (Monroe County)

Saline County Conservation Area (5:00 p.m. closing; September 1 - 30; statewide regulations apply thereafter)

Sam Dale Lake Conservation Area (5:00 p.m. closing)

Sam Parr State Park (5:00 p.m. closing September 1 - 30; statewide regulations apply thereafter)

Sand Ridge State Forest (Season dates are September 6 - October 30)

Sangamon County Conservation Area

Sangamon County Conservation Area (5:00 p.m. closing September 1 - 5; statewide regulations apply thereafter; hunter quota to be filled on a first-come basis)

Sangchris Lake State Park (Season dates are September 6 - 30)

Shabbona State Park (Season dates are September 1 - 15 only; 5:00 p.m. closing; closed Saturday and Sunday of Labor Day weekend)

Siloam Springs State Park (noon - 5:00 p.m. all

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dove field beyond shooting line; no shooting except in direction of assigned fields)

Sand Ridge State Forest

Sangchris Lake State Park (Hunters must hunt assigned fields only; field 2 accessible by boat only; hunters must hunt within 10 feet of marked sites; no gun may be carried onto dove field beyond shooting line; it is unlawful to move stakes or markers)

Silver Springs State Park (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond shooting line; guns must be unloaded when walking to and from hunting area; ~~hunting hours September 4-5 will be noon to sunset~~)

2) Permit Applications

Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to two reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.

3) Hunting at these areas is by special permit only for the first five days of the season; thereafter, no permits are required for hunting at these sites. All permits will be issued from Springfield and not from the area.

4) Check-in time for registration shall be between 9:00 a.m. and 11:00 a.m. Openings after 11:00 a.m. will be filled on a first-come basis, or by a daily drawing if there are more stand-by hunters than openings available.

5) All hunters must wear a back patch.

6) Shot size to be used is 7 1/2, 8 or 9 lead or 6 steel or smaller.

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7) Each applicant shall apply for only one area and receive one permit per year. An applicant may reapply only if his previous application was unsuccessful.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 730.30 Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites

a) A one-day Youth Dove Hunt will be held on the first ~~Saturday of the season~~ September 1 at the following sites:

Horseshoe Lake State Park

Kankakee River State Park

Ramsey Lake State Park

Sangchris Lake State Park

Silver Springs State Park

Stephen A. Forbes State Park

b) A one-day youth/adult dove hunt will be held on the first ~~Saturday of the season~~ September 1, where both the youth and adult will be permitted to hunt at the following sites:

Mackinaw River State Fish and Wildlife Area

Mt. Vernon Game Farm

Sam Parr State Park

c) Hunting hours are from 12:00 p.m. to 5:00 p.m. Check-in time is from 10:00 a.m. to 11:30 a.m.

d) Hunter quota will be announced by public news release. Hunter quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site;

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and the number of employees available to work at the site.

- e) All hunters must have a hunting permit and wear a back patch while hunting. Stand-by permits will be available at the site by lottery drawing if vacancies occur.
- f) Applicants must be between the ages of 10 and 15 inclusive, with a valid Illinois hunting license.
- g) Each youth must be accompanied by a supervising adult. If the hunter does not have a valid Firearm Owner's Identification (F.O.I.D.) Card, the supervising adult is required to have a F.O.I.D. Card. Only one supervising adult in a hunting party is required to have a valid F.O.I.D. Card if the hunters in the hunting party stay under the immediate control (accompany youth hunters at all times) of the supervising adult possessing the valid F.O.I.D. Card. All adult hunters must have a valid F.O.I.D. card.

- h) Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to two reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.

- (i) Shot size to be used is 7 1/2, 8 or 9 lead or 6 steel or smaller. Steel shot only at Sangchris Lake State Park.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

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- 1) HEADING OF THE PART: Squirrel Hunting
- 2) CODE CITATION: 17 Ill. Adm. Code 690
- 3) SECTION NUMBERS: PROPOSED ACTION:
690.20 Amendments
690.30 Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.28, and 3.5).
- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: Amendments to this Part are being made to update season dates, open new sites and to add language indicating that squirrel hunting is closed only during the regular firearm deer season (it will be open during the muzzleloading deer season).
- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No
- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No
- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No
- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.
- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787
- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFEPART 690
SQUIRREL HUNTING

Section

- 690.10 Hunting Zones
690.20 Statewide Regulations
690.30 Regulations at Various Department-Owned or -Managed Sites
- AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.28, and 3.5).

SOURCE: Adopted at 5 Ill. Reg. 8017, effective July 24, 1981; codified at 5 Ill. Reg. 10642; emergency amendment at 5 Ill. Reg. 11382, effective October 14, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 9642, effective July 21, 1982, amended at 7 Ill. Reg. 8809, effective July 15, 1983; emergency amendment at 7 Ill. Reg. 9690, effective August 1, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 16789, effective August 30, 1984, amended at 9 Ill. Reg. 11614, effective July 16, 1985; amended at 10 Ill. Reg. 15601, effective September 16, 1986; amended at 11 Ill. Reg. 9549, effective May 5, 1987; amended at 12 Ill. Reg. 12246, effective July 15, 1988; amended at 13 Ill. Reg. 10606, effective June 15, 1989; amended at 14 Ill. Reg. 10816, effective June 20, 1990; amended at 15 Ill. Reg. _____, effective _____.

Section 690.20 Statewide Regulations

- a) Fox squirrels and gray squirrels (including their black color phase) are the only tree squirrels that may be hunted or taken.
- b) Southern zone season dates: August 1 through December 31 (except closed during firearm deer season, as set by 17 Ill. Adm. Code 650).
- c) Northern zone season dates: September 1 through December 31 (except closed during firearm deer season, as set by 17 Ill. Adm. Code 650, in those counties open to firearm deer hunting).
- d) Hunting hours: Sunrise until sunset.

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- e) Daily limit: 5 fox and gray (including their black color phase), squirrels, singly or in combination.
- f) Possession limit: 10 fox and gray (including their black color phase), singly or in combination, except on opening day of the season when only 5 squirrels may be in possession.

(Source: Amended at 15 Ill. Reg. _____, effective _____.)

Section 690.30 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510, General Hunting and Trapping on Department-Owned or Managed Sites, apply in this Part, unless this Part is more restrictive.
- b) Only those sites listed in this Section marked with an asterisk (*) allow hunting with .22 caliber rimfire firearms or muzzle-loading black powder rifles.
- c) Statewide season regulations shall apply at the following sites (exceptions are listed in parentheses):

- * AMAX Leased Lands
- Anderson Lake Conservation Area
- Big Bend Conservation Area
- Big River State Forest
- * Cache River State Natural Area (Little Black Slough Hunting Area)
- Cache River State Natural Area (Lower Cache River Hunting Area)
- * Campbell Pond Wildlife Management Area
- Carlyle Lake Lands and Waters - Corps of Engineers managed lands
- * Carlyle Lake Wildlife Management Area (in the Waterfowl Management Area from opening day to 3 days before the waterfowl season)

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- * Crawford County Conservation Area
- * Dog Island Wildlife Management Area
- Eldon Hazlet State Park (North of Allen Branch and west of Peppenhurst Branch)
- * Fort De Chartres Historic Site (hunting with muzzleloading firearms or bow and arrow)
- Fort Massac State Park (east of Massac Creek only)
- Green River State Wildlife Area (Lee County Conservation Area) (September 6 - September 30, no hunting during field trials)
- * Horseshoe Lake Public Hunting Area - Alexander County (north of Route 3 only)
- I-24 Wildlife Management Area
- * Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 3 days prior to and during duck season)
- Kickapoo State Park (free permit required, obtain from site office; hunters must return permit and report harvest by February 15 or hunting privileges for following year will be forfeited)
- Kidd Lake State Natural Area
- * Kinkaid Lake Fish and Wildlife Area
- * Lake Shelbyville-Kaskaskia and West Okaw Wildlife Management Area (no pistol and guns)
- ~~* Little Black Slough State Natural Area~~
- ~~Lower Cache River State Natural Area~~
- Mackinaw State Fish and Wildlife Area (September 1 - October 31)
- * Marseilles Fish and Wildlife Area (Monday through Thursday from September 9 through October 31)

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- Marshall State Fish and Wildlife Area
- * Mermet Lake Conservation Area (from opening day until the first day of the duck season)
- Middle Fork Fish and Wildlife Area (free permit required, obtain from site office; hunters must return permit and report harvest by February 15 or hunting privileges for following year will be forfeited)
- * Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26
- * Panther Creek Conservation Area
- * Pike County Conservation Area
- Ramsey Lake State Park
- Randolph County Conservation Area
- Red Hills State Park
- * Rend Lake Wildlife Management Area Project Lands and Waters
- * Rockhouse Creek (Monroe County)
- * Saline County Conservation Area (North of the township road)
- Sam Dale Lake Conservation Area
- Sam Parr Fish and Wildlife Area
- * Sand Ridge State Forest (from opening day until the first day of the upland hunting season)
- * Sangamon County Conservation Area
- * Sanganois Conservation Area
- * Shawnee National Forest, LaRue Scatters (closes at noon)
- * Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir, west of Big Muddy Levee, closes at noon,

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steel shot only)

Site M (Saturdays and Sundays as announced by the Department; land leased from Commonwealth Edison in Cass County; hunter quota to be announced by public news release; check station will open at 5 a.m., and all hunters must check in and exchange their hunting license for a back patch which must be worn at all times while in the field. All hunters must check out and report harvest immediately after hunting; hunting is permitted in designated areas only; parking is permitted at designated parking areas only)

Stephen A. Forbes State Park

Tapley Woods State Natural Area

* Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; windshield cards must be displayed on dashboard of vehicle; permit must be returned by February 15 to District Wildlife Manager, P.O. Box 313, Olney, IL 62450)

* Trail of Tears State Forest

* Turkey Bluffs State Fish and Wildlife Area

Washington County Conservation Area

Weinberg-King State Park

* Wildcat Hollow State Forest

* Witkowsky State Wildlife Area

~~Weedford County Conservation Area~~

d) Season dates shall be the day following Labor Day to the end of the statewide season at the following sites:

Ferne Clyffe State Park

Giant City State Park

Hamilton County Conservation Area

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Pere Marquette State Park

Pyramid State Park

Saline County Conservation Area (south of Township Road)

Siloam Springs State Park

e) The following season dates shall apply on the following sites (exceptions to statewide hours are listed in parentheses):

Argyle Lake State Park; October 15 to the end of the statewide season

Castle Rock State Park; September 1 - October 15

* Horseshoe Lake Public Hunting Area, Alexander County, south of Rt. 3 only; August 1 - September 30

Iroquois County Conservation Area; September 1 - 30

Johnson Sauk Trail State Park; September 15 - 30

Jubilee College State Park; September 1-30 (Sunrise - 4:00 p.m.)

Kankakee River State Park; September 1-30

Moraine View State Park; September 1 - day before opening of site's permit pheasant season (Sunrise - 4:00 p.m.)

Silver Springs State Park; September 1 - 30 in Area C; September 1 - October 31 in Area B; harvest must be reported before leaving the site; daily quota filled on first-come, first-serve basis

Spring Lake Conservation Area; September 10 - 30 (Sunrise - 4:00 p.m.)

* Union County Public Hunting Area; August 1 - September 30 October 15; Firing Line Management Unit; August 1 - November 1

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Walnut Point Fish and Wildlife Area; October 1-15 Monday - Friday only; daily from October 16 to end of Statewide Season

Woodford County Conservation Area; September 1 -30

- f) Statewide regulations as provided in this Part apply at the following sites with exceptions noted in parentheses. In addition, hunters must obtain a free permit from site office. Permits must be in possession while hunting. The permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following year.

Clinton Lake State Park

Eagle Creek State Park (Season opens September 15)

- * Fox Ridge State Park (no handguns)
- * Hidden Springs State Forest (.22 rimfire rifles and muzzle-loading rifles permitted after October 1 only; no handguns)
- * Lake Shelbyville Eagle Creek Wildlife Management Area (no handguns)

(Source: Amended at 15 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) HEADING OF THE PART: Woodcock, Snipe, Rail and Teal Hunting
2) CODE CITATION: 17 Ill. Adm. Code 740

3) SECTION NUMBERS: PROPOSED ACTION:

740.10 Amendments
740.20 Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5) and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: Amendments to this Part are being made to incorporate new steel shot zones as required by Federal Regulations, to add a new site, and to add language to clarify regulations on use of blinds on sites.

- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

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THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 740

WOODCOCK, SNIPE, RAIL, AND TEAL HUNTING

Section
740.10
740.20

Statewide Regulations
Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5) and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

SOURCE: Adopted at 5 Ill. Reg. 8896, effective August 25, 1981; codified at 5 Ill. Reg. 10645; amended 6 Ill. Reg. 357, effective December 23, 1981; amended at 6 Ill. Reg. 9648, effective July 21, 1982, amended at 7 Ill. Reg. 8815, effective July 15, 1983; amended at 8 Ill. Reg. 16796, effective August 30, 1984, amended at 9 Ill. Reg. 11620, effective July 16, 1985; peremptory amendments at 9 Ill. Reg. 14383, effective September 5, 1985; amended at 10 Ill. Reg. 15607, effective September 16, 1986; amended at 11 Ill. Reg. 9575, effective May 5, 1987; emergency amendments at 11 Ill. Reg. 15253, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12261, effective July 15, 1988; amended at 13 Ill. Reg. 12869, effective July 21, 1989; amended at 14 Ill. Reg. 11207, effective June 29, 1990; amended at 15 Ill. Reg. _____, effective _____.

Section 740.10 Statewide Regulations

- a) Woodcock, snipe and rail regulations are in accordance with Federal Regulations (50 CFR 20, effective August 25, 1987; 26, 1990) (no incorporation in this Part includes later amendments or editions) unless the regulations in this Part are more restrictive.
- b) All persons in the field during the firearm deer season, hunting common snipe, rail and woodcock, in those counties for which an open season is established for the taking of deer by firearm, shall wear the same blaze orange clothing required for deer hunting pursuant to Section 2.26 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, par. 2.26).

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- c) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this Part, unless federal regulations are more restrictive.

d) Woodcock

- 1) Hunting dates: October 1 - December 4
- 2) Hunting hours: Sunrise to Sunset
- 3) Daily limit: 5
- 4) Possession limit: 10 after the 1st hunting day

e) Snipe (Common)

- 1) Hunting dates: September 1 - December 16
- 2) Hunting hours: Sunrise to Sunset
- 3) Daily limit: 8
- 4) Possession limit: 16 after the 1st hunting day

f) Rail (Sora and Virginia)

- 1) Hunting dates: September 1 - November 9
- 2) Hunting hours: Sunrise to Sunset
- 3) Daily limit: 25
- 4) Possession limit: 25

g) Teal

- 1) Teal regulations are in accordance with Federal Regulations, (50 CFR 20.103, effective August 25, 1987; 50 CFR 20.104, effective August 25, 1987; 50 CFR 20.105, effective August 25, 1987; 50 CFR 20.106, effective August 25, 1987; and 50 CFR 20.109, effective August 25, 1987), unless the regulations in this Part are more restrictive.

- 2) It shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act"

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(16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16 U.S.C. 718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20, effective August 25, 1987; 29, 1990) (collectively referred to in this Part as federal regulations), or contrary to any state regulations made in the Wildlife Code.

- 3) It shall be unlawful while attempting to take migratory waterfowl to have in possession any shotgun shells prohibited by federal regulations. Sites covered by these regulations are as stated in the federal regulations or they are listed under Section 740.20 of this Part.

- 4) Shooting hours are 7:00 a.m. - 4:00 p.m.

- 5) Baiting with corn, grain or other feed is prohibited.

h) Steel Shot Regulations

Only steel shot may be used for hunting teal, snipe and rail in the following non-toxic shot zones:

- 1) ~~Mississippi River and adjacent areas in the following counties bordered by the roads and/or lines indicated below:~~

A) ~~All of Alexander, Calhoun, Carroll, Hancock, Henderson, Jackson, Jersey, Jo Daviess, Madison, Monroe, Pike, Randolph, Reek Island, St. Clair, Union and Whiteside Counties.~~

B) ~~Adams County; IL-96 (Lima), County Highway (Hwy) 41, County Hwy 7, County Hwy 8, and Leek and Dam 20. The Mark Twain National Wildlife Refuge, Bear Creek Unit is also a nontoxic shot zone.~~

C) ~~Henry County; I-80 and I-74/280.~~

- 2) ~~Illinois River and adjacent areas in the following counties bordered by the roads and/or lines indicated below:~~

A) ~~All of Bureau, Calhoun, Cass, Fulton, Greene,~~

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~~Grundy, Jersey, Marshall, Mason, Peoria, Pike,~~
~~Putnam, Tazewell and Woodford Counties.~~

B) ~~Brown County, County Hwy 3/Federal Aid~~
~~Secondary Route (FAS) 582, FAS 582, County~~
~~Hwy 12, and IL 99.~~

C) ~~Morgan County, IL 104 (Mercedia) and~~
~~IL 100/US 67.~~

D) ~~Schuyler County, IL 100 (Bluff City) IL 103,~~
~~and County Hwy 9.~~

3) ~~Southern Goose Quota Zone~~

~~All of Alexander, Jackson, Union and Williamson~~
~~Counties.~~

4) ~~Read Lake Goose Quota Zone~~

~~All of Jefferson and Franklin Counties.~~

5) ~~Other Areas~~

~~All of Bond, Christian, Clinton, Coles, Cook,~~
~~DuPage, Fayette, Kane, Kendall, Lake, McHenry,~~
~~Monticue, Perry, Will and Winnebago Counties.~~

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 740.20 Regulations at Various Department-Owned or -Managed Sites

- a) All the rules in 17 Ill. Adm. Code 510 apply in this Section, unless this Section is more restrictive.
- b) Woodcock, snipe and rail hunting; statewide regulations as provided for in this Part shall apply at the following areas (exceptions are in parentheses):

AMAX Leased Lands

Anderson Lake Conservation Area (closed 7 days before waterfowl season)

Big Bend Conservation Area

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Big River State Forest

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area (closes 3 days before waterfowl season in subimpoundment area)

Clinton Lake State Recreation Area

Crawford County Conservation Area

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and west of Peppenhorst Branch only)

Ferne Clyffe State Park

Ft. de Chartres Historic Site (hunting with muzzle loading shotgun only)

Ft. Massac State Park

Giant City State Park

Hamilton County Conservation Area (statewide hours until upland game season, then 8:00 a.m. to 4:00 p.m.)

Horseshoe Lake Public Hunting Area (Alexander County) - north of Route 3

I-24 Wildlife Management Area

Iroquois County Conservation Area (closes the day before permit pheasant season; 8:00 a.m. to 4:00 p.m.; hunters must check out and report harvest)

Jubilee College State Park (closed 1st weekend --- Saturday and Sunday of October; legal opening to 4:00 p.m.)

Kankakee River State Park (October 1 - day before pheasant season; 9:00 a.m. - 3:00 p.m.; hunters must check in; check out required within 15 minutes of

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completing hunt; DOC issued back patch must be worn while hunting; during pheasant season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110, Upland Hunting, which pertain to Kankakee River State Park; no snipe or rail hunting)

Kaskaskia River Fish and Wildlife Area (closes 3 days before waterfowl season in Doza Creek Waterfowl Management Area)

Kickapoo State Park (8:00 a.m. to 4:00 p.m.; closed during firearm deer season; no snipe or rail hunting)

Kidd Lake State Natural Area (no permanent blinds allowed)

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville-Kaskaskia and West Okaw Wildlife Management Area

Little Black Slough State Natural Area

Lower Cache River State Natural Area

Marseilles (closed Fridays, Saturdays and Sundays through October 30; no rail or snipe hunting)

Middle Fork Fish and Wildlife Area (8:00 a.m. to 4:00 p.m.; closed during firearm deer season; no snipe or rail hunting)

Mississippi River Pools 21, 22, 24, 25 and 26

Mississippi River Pools 16, 17, and 18

Moraine View State Park (closes on day before permit pheasant season; 8:00 a.m. to 4:00 p.m.)

Panther Creek Conservation Area

Pike County Conservation Area (all hunting closes November 30 in Area A)

Pyramid State Park

Randolph County Conservation Area (no rail hunting)

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Ramsey Lake State Park

Red Hills (statewide hours until upland game season, then 8:00 a.m. - 4:00 p.m.)

Rend Lake Wildlife Management Area Project Lands and Waters

Rice Lake (~~steel shot only~~; during teal season only, hours are sunrise until noon; no woodcock hunting)

Rockhouse Creek (Monroe County)

Saline County Conservation Area (statewide hours until upland game season, then 8:00 a.m. to 4:00 p.m.)

Sam Dale Lake Conservation Area (statewide hours until upland game season, then 8:00 a.m. to 4:00 p.m.)

Sam Parr State Park (statewide hours until upland game season, then 8:00 a.m. to 4:00 p.m.)

Sand Ridge State Forest (During the controlled quail and pheasant hunting season, woodcock and snipe hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 - Upland Hunting - which pertain to Sand Ridge State Forest; no rail or teal hunting)

Sangamon County Conservation Area

Sanganois Conservation Area

Shawnee National Forest, LaRue Scatters (closes at noon)

Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir west of Big Muddy Levee, closes at noon)

Site M (open weekends only as publicly announced by the Department in the news media; no rail hunting)

Stephen Forbes State Park

Tapley Woods State Natural Area (closed during

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firearm deer season)

Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; parking card must be displayed on dashboard of vehicle; permit must be returned by February 15 to District Wildlife Manager, P.O. Box 313, Olney, IL 62450).

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area (no rail hunting)

Weinberg-King State Park

Wildcat Hollow State Forest

Witkowsky State Wildlife Area

- c) Woodcock, snipe and rail hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by February 15 will result in loss of hunting privileges at that site for the following year.

Eagle Creek State Park (snipe and rail hunting after September 15 only)

Fox Ridge State Park

Hidden Springs State Forest (no hunting during firearm deer season)

Lake Shelbyville Eagle Creek Wildlife Management Area

- d) Teal hunting; statewide regulations as provided for in this Part shall apply on the following sites (exceptions are in parentheses):

Anderson Lake Conservation Area

Campbell Pond Wildlife Management Area

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Chain O'Lakes State Park (Hunting is allowed only from numbered blind sites. The blinds need not be completed)

Carlyle Lake Wildlife Management Area

Des Plaines Conservation Area (Des Plaines River Waterfowl Area only; blind claiming privileges do not apply as specified in 17 Ill. Adm. Code 590.30(f) and 590.50(b); hunting from numbered blind sites only; blinds do not have to be completed)

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch only)

Ft. de Chartres Historic Site (see site specific regulations of Section 590.60(b))

Kaskaskia River Fish and Wildlife Area

Lake Shelbyville Fish and Wildlife Area

Lake Sennissippi Conservation Area

Little Black Slough State Natural Area

Lower Cache River State Natural Area

Marshall State Fish and Wildlife Area (Spring Branch Unit & Sparland Unit)

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26

~~Rend Lake Wildlife Management Area~~ Project Lands and Waters (no permanent blinds allowed)

Rice Lake Conservation Area (sunrise until 12:00 Noon)

Sangamon Conservation Area

Savanna Ordnance Depot (hunting is allowed only from blind sites)

Shawnee National Forest, Bluff Lakes

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Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; parking card must be displayed on dashboard of vehicle; permit must be returned by February 15 to District Wildlife Manager, P.O. Box 313, Olney, IL 62450)

Union County Public Hunting Area

Woodford County Conservation Area

(Source: Amended at 15 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Groundwater Quality

2) Code Citation: 35 Ill. Adm. Code 620

3) Section Numbers: Proposed Action:

620.105	New Section
620.110	New Section
620.115	New Section
620.125	New Section
620.130	New Section
620.135	New Section
620.201	New Section
620.210	New Section
620.220	New Section
620.230	New Section
620.240	New Section
620.250	New Section
620.260	New Section
620.301	New Section
620.302	New Section
620.305	New Section
620.310	New Section
620.401	New Section
620.410	New Section
620.420	New Section
620.430	New Section
620.440	New Section
620.450	New Section
620.505	New Section
620.510	New Section
620.601	New Section
620.605	New Section
620.610	New Section
620.615	New Section
620.Appendix A	New Section
620.Appendix B	New Section
620.Appendix C	New Section

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7458.

5) A Complete Description of the Subjects and Issues Involved:

These rules are part of the Board's R89-14 proceeding on Groundwater Quality Standards initiated pursuant to Section

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8 of the Illinois Groundwater Protection Act, which requires the Board to promulgate water quality standards for groundwater. Issues addressed throughout this proceeding are the classification of groundwater, groundwater quality standards for these groundwaters as classified, nondegradation of appropriate groundwaters, groundwater monitoring, corrective action, and health advisories.

On February 28, 1991, the Board issued an Order sending these proposed rules to First Notice under R89-14 Docket B. These rules are the third proposal submitted to the Board by the Illinois Environmental Protection Agency ("Agency") in this proceeding. The Agency's explanation is contained in Public Comment #47 filed with the Board on February 20, 1991 and is available from the Steve Ewart at the Agency at (217) 785-5544. The Board's February 28, 1991 Order is available from Dorothy M. Gunn, Clerk of the Board, at the address listed below in question #11, or (312) 814-3620.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? Yes

9) Are there any other amendments pending on this Part? Yes.
The Board has previously proposed rules in R89-14 Docket A.

Section Numbers	Proposed Action	Illinois Register Citation
620.105	New Section	14 Ill. Reg. 17822 (11-2-90)
620.110	New Section	14 Ill. Reg. 17822 (11-20-90)
620.115	New Section	14 Ill. Reg. 17822 (11-20-90)
620.125	New Section	14 Ill. Reg. 17822 (11-20-90)
620.130	New Section	14 Ill. Reg. 17822 (11-20-90)
620.135	New Section	14 Ill. Reg. 17822 (11-20-90)
620.201	New Section	14 Ill. Reg. 17822 (11-20-90)
620.220	New Section	14 Ill. Reg. 17822 (11-20-90)
620.230	New Section	14 Ill. Reg. 17822 (11-20-90)
620.240	New Section	14 Ill. Reg. 17822 (11-20-90)
620.250	New Section	14 Ill. Reg. 17822 (11-20-90)
620.260	New Section	14 Ill. Reg. 17822 (11-20-90)
620.301	New Section	14 Ill. Reg. 17822 (11-20-90)
620.305	New Section	14 Ill. Reg. 17822 (11-20-90)

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620.307	New Section	14 Ill. Reg. 17822 (11-20-90)
620.310	New Section	14 Ill. Reg. 17822 (11-20-90)
620.320	New Section	14 Ill. Reg. 17822 (11-20-90)
620.330	New Section	14 Ill. Reg. 17822 (11-20-90)
620.340	New Section	14 Ill. Reg. 17822 (11-20-90)
620.350	New Section	14 Ill. Reg. 17822 (11-20-90)
620.360	New Section	14 Ill. Reg. 17822 (11-20-90)
620.405	New Section	14 Ill. Reg. 17822 (11-20-90)
620.410	New Section	14 Ill. Reg. 17822 (11-20-90)
620.415	New Section	14 Ill. Reg. 17822 (11-20-90)
620.420	New Section	14 Ill. Reg. 17822 (11-20-90)
620.501	New Section	14 Ill. Reg. 17822 (11-20-90)
620.510	New Section	14 Ill. Reg. 17822 (11-20-90)
620.515	New Section	14 Ill. Reg. 17822 (11-20-90)
620.517	New Section	14 Ill. Reg. 17822 (11-20-90)
620.520	New Section	14 Ill. Reg. 17822 (11-20-90)
620.601	New Section	14 Ill. Reg. 17822 (11-20-90)
620.605	New Section	14 Ill. Reg. 17822 (11-20-90)
620.610	New Section	14 Ill. Reg. 17822 (11-20-90)
620.Appendix A	New Section	14 Ill. Reg. 17822 (11-20-90)
620.Appendix B	New Section	14 Ill. Reg. 17822 (11-20-90)
620.Appendix C	New Section	14 Ill. Reg. 17822 (11-20-90)

10) Statement of Statewide Policy Objectives:

Consistent with the mandate contained in Section 8 of the Illinois Groundwater Protection Act, this Part establishes water quality standards for the protection of groundwater. The rules contain notification limitations to trigger preventive response activities. If these notification limits or the Water Quality Standards are exceeded, a person can be required to initiate corrective action, which may require facilities to establish, expand or modify their activities in such a way as to necessitate additional expenditures from local revenues. However, corrective action is intended to be carried out under previously established clean-up programs such as RCRA or CERCLA, and therefore may not require expenditures in addition to what would already be required under these programs.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R 89-14, Docket B, and be addressed to:

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Julie Brown
Business/Professional
People for the Public
Interest-BPI
17 E. Monroe Street
Chicago, IL 60603

Dorothy M. Gunn, Clerk
IL Pollution Control Board
State of Illinois Center
100 W. Randolph Street
Suite 11-500
Chicago, IL 60601

Bonnie Eynon
IL Department of Energy
and Natural Resources
325 W. Adams, RM 300
Springfield, IL 62704-1892

Scott Phillips
IL Environmental Protection
Agency
2200 Churchill Road
Springfield, IL 62706

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs:
February 28, 1991

B) Types of small businesses affected:

Those who operate landfills; hazardous substance storage facilities; treatment, storage and disposal facilities for organic solvents and heavy metals; agricultural chemical facilities, those who utilize underground storage tanks, those who store petroleum or salt piles, those who treat sewage. Generally, these types of businesses are not small businesses, although some may be, such as gasoline filling stations, and others who may impact groundwater quality by affecting constituents listed in the rule.

C) Reporting, bookkeeping or other procedures required for compliance:

This Part requires sampling procedures and reporting requirements involving sampling procedures and collection. Other reporting, bookkeeping and procedures are required by previously established state and federal cleanup programs.

D) Types of professional skills necessary for compliance:

No additional professional skills are required. Existing requirements may necessitate the services of an attorney, chemist, and professional engineer.

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 620
GROUNDWATER QUALITY

SUBPART A: GENERAL

Section
620.105
620.110
620.115
620.125
620.130
620.135

Purpose
Definitions
Prohibition
Incorporations by Reference
Exemption from General Use Standards and Public and Food Processing Water Supply Standards
Exclusion for Underground Water in Certain Man-Made Conduits

SUBPART B: GROUNDWATER CLASSIFICATION

Section
620.201
620.210
620.220
620.230
620.240
620.250
620.260

Groundwater Designations
Class I: Potable Resource Groundwater
Class II: General Resource Groundwater
Class III: Special Resource Groundwater
Class IV: Other Groundwater
Groundwater Management Zone
Reclassification of Groundwater by Adjusted Standard

SUBPART C: NONDEGRADATION PROVISIONS FOR APPROPRIATE GROUNDWATERS

Section
620.301
620.302
620.305
620.310

General Prohibition Against Use Impairment of Resource Groundwater
Applicability of Notification Limitations and Preventive Response Activities
Notification Limitations and Procedures
Preventive Response Activities

SUBPART D: GROUNDWATER QUALITY STANDARDS

Section
620.401
620.405

Applicability
General Prohibitions Against Violations of Groundwater Quality Standards

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- 620.410 Groundwater Quality Standards for Class I: Potable Resource Groundwater
- 620.420 Groundwater Quality Standards for Class II: General Resource Groundwater
- 620.430 Groundwater Quality Standards for Class III: Special Resource Groundwater
- 620.440 Groundwater Quality Standards for Class IV: Other Groundwater
- 620.450 Alternative Groundwater Quality Standards

SUBPART E: GROUNDWATER MONITORING AND ANALYTICAL PROCEDURES

- Section
620.505 Compliance Procedures
- 620.510 Monitoring and Analytical Requirements

SUBPART F: HEALTH ADVISORIES

- Section
620.601 Purpose of a Health Advisory
- 620.605 Issuance of a Health Advisory
- 620.610 Publishing Health Advisories
- 620.615 Additional Health Advice for Mixtures of Similar-Acting Substances

- Appendix A Procedures for Determining Human Threshold Toxicant Advisory Concentration for Class I: Potable Resource Groundwater

- Appendix B Procedures for Determining Hazard Indices for Class I: Potable Resource Groundwater for Mixtures of Similar-Acting Substances

- Appendix C Guidelines for Determining When Dose Addition of Similar-Acting Substances in Class I: Potable Resource Groundwaters is Appropriate

AUTHORITY: Implementing and authorized by Section 8 of the Illinois Groundwater Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7458).

SOURCE: Adopted in R89-14 at ___ Ill. Reg., _____, effective _____.

NOTE: Capitalization denotes statutory language.

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SUBPART A: GENERAL

Section 620.105 Purpose

This Part prescribes various aspects of groundwater quality, including method of classification of groundwaters, nondegradation provisions, standards for quality of groundwaters, and various procedures and protocols for the management and protection of groundwaters.

Section 620.110 Definitions

The definitions of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1001 et seq.) and the Groundwater Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 7451 et seq.) apply to this Part unless otherwise provided. The following definitions also apply to this Part.

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1001 et seq.).

"Agency" means the Illinois Environmental Protection Agency.

"AQUIFER" MEANS SATURATED (WITH GROUNDWATER) SOILS AND GEOLOGIC MATERIALS WHICH ARE SUFFICIENTLY PERMEABLE TO READILY YIELD ECONOMICALLY USEFUL QUANTITIES OF WATER TO WELLS, SPRINGS, OR STREAMS UNDER ORDINARY HYDRAULIC GRADIENTS. (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7453(b))

"BETX" means the sum of the concentrations of benzene, ethylbenzene, toluene, and xylenes.

"Board" means the Illinois Pollution Control Board.

"Carcinogen" means a chemical, or complex mixture of closely related chemicals, which has been finally determined in accordance with USEPA Guidelines for Carcinogenic Risk Assessment, incorporated by reference at Section 620.125, to be a group A, B1, or B2 carcinogen.

"COMMUNITY WATER SUPPLY" MEANS A PUBLIC SUPPLY WHICH SERVES OR IS INTENDED TO SERVE AT LEAST 15 SERVICE CONNECTIONS USED BY RESIDENTS OR REGULARLY SERVES AT

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LEAST 25 RESIDENTS. (Ill. Rev. Stat. 1989, ch. 111 1/2 par. 1003.05)

"CONTAMINANT" MEANS ANY SOLID, LIQUID, OR GASEOUS MATTER, ANY ODOR, OR ANY FORM OF ENERGY, FROM WHATEVER SOURCE. (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1003.06)

"Corrective action process" means those procedures and practices that may be imposed by a regulatory agency when a determination has been made that contamination of groundwater has taken place, and are necessary to address a potential or existing violation of the standards set forth in Subpart D.

"Cumulative impact area" means the area, including the coal mine area permitted under the Surface Coal Mining Land Conservation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.01 et seq., as amended) and 62 Ill. Adm. Code 1700 through 1850, within which impacts resulting from the proposed operation may interact with the impacts of all anticipated mining on surface water and groundwater systems.

"Detect" or "detection" are defined as follows:

"Method Detection Limit" or "MDL" means the minimum concentration of a substance that can be measured as reported with 99 percent confidence that the true value is greater than zero. (54 Fed. Reg. 22100); or

"Method Quantitation Limit" or "MQL" means the minimum concentration of a substance that can be measured and reported. ("Test Methods for Evaluating Solid Wastes, Physical/ Chemical Methods," EPA Publication No. SW-846 (Third Edition, 1986, as amended by Revision I (December 1987))

"Department" means the Illinois Department of Energy and Natural Resources.

"GROUNDWATER" MEANS UNDERGROUND WATER WHICH OCCURS WITHIN THE SATURATED ZONE AND GEOLOGIC MATERIALS WHERE THE FLUID PRESSURE IN THE PORE SPACE IS EQUAL TO OR GREATER THAN ATMOSPHERIC PRESSURE. (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1003.64)

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"Hydrologic balance" means the relationship between the quality and quantity of water inflow to, water outflow from, and water storage in a hydrologic unit such as a drainage basin, aquifer, soil zone, lake, or reservoir. It encompasses the dynamic relationships among precipitation, runoff, evaporation, and changes in ground and surface water storage.

"IGPA" Means the Illinois Groundwater Protection Act. (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 7451 et seq.)

"LOAEL" or "Lowest observable adverse effect level" means the lowest tested concentration of a chemical or substance which produces a statistically significant increase in frequency or severity of non-overt adverse effects between the exposed population and its appropriate control. LOAEL may be determined for a human population (LOAEL-H) or an animal population (LOAEL-A)

"NOAEL" or "No observable adverse effect level" means the highest tested concentration of a chemical or substance which does not produce a statistically significant increase in frequency or severity of non-overt adverse effects between the exposed population and its appropriate control. NOAEL may be determined for a human population (NOAEL-H) or an animal population (NOAEL-A)

"NON-COMMUNITY WATER SUPPLY" MEANS A PUBLIC WATER SUPPLY THAT IS NOT A COMMUNITY WATER SUPPLY. (Ill. Rev. Stat. 1989, ch. 111 1/2 par. 1003.05)

"Off-site" means any site that is not on-site.

"On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access is also considered on-site property.

"Operator" means the person responsible for the operation of a facility or unit.

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"Owner" means the person who owns a site or part of a site, or who owns the land on which the site is located.

"POTABLE" MEANS GENERALLY FIT FOR HUMAN CONSUMPTION IN ACCORDANCE WITH ACCEPTED WATER SUPPLY PRINCIPLES AND PRACTICES. (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7453(h))

"POTENTIAL PRIMARY SOURCE" MEANS ANY UNIT AT A FACILITY OR SITE NOT CURRENTLY SUBJECT TO A REMOVAL OR REMEDIAL ACTION WHICH: IS UTILIZED FOR THE TREATMENT, STORAGE, OR DISPOSAL OF ANY HAZARDOUS OR SPECIAL WASTE NOT GENERATED AT THE SITE; OR IS UTILIZED FOR THE DISPOSAL OF MUNICIPAL WASTE NOT GENERATED AT THE SITE, OTHER THAN LANDSCAPE WASTE AND CONSTRUCTION AND DEMOLITION DEBRIS; OR IS UTILIZED FOR THE LANDFILLING, LAND TREATING, SURFACE IMPOUNDING OR PILING OF ANY HAZARDOUS OR SPECIAL WASTE THAT IS GENERATED ON THE SITE OR AT OTHER SITES OWNED, CONTROLLED OR OPERATED BY THE SAME PERSON; OR STORES OR ACCUMULATES AT ANY TIME MORE THAN 75,000 POUNDS ABOVE GROUND, OR MORE THAN 7,500 POUNDS BELOW GROUND, OF ANY HAZARDOUS SUBSTANCES. (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1003.59)

"POTENTIAL ROUTE" MEANS ABANDONED AND IMPROPERLY PLUGGED WELLS OF ALL KINDS, DRAINAGE WELLS, ALL INJECTION WELLS, INCLUDING CLOSED LOOP HEAT PUMP WELLS, AND ANY EXCAVATION FOR THE DISCOVERY, DEVELOPMENT OR PRODUCTION OF STONE, SAND OR GRAVEL. (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1003.58)

"POTENTIAL SECONDARY SOURCE" MEANS ANY UNIT AT A FACILITY OR A SITE NOT CURRENTLY SUBJECT TO A REMOVAL OR REMEDIAL ACTION, OTHER THAN A POTENTIAL PRIMARY SOURCE, WHICH: IS UTILIZED FOR THE LANDFILLING, LAND TREATING, OR SURFACE IMPOUNDING OF WASTE THAT IS GENERATED ON THE SITE OR AT OTHER SITES OWNED, CONTROLLED OR OPERATED BY THE SAME PERSON, OTHER THAN LIVESTOCK AND LANDSCAPE WASTE, AND CONSTRUCTION AND DEMOLITION DEBRIS; OR STORES OR ACCUMULATES AT ANY TIME MORE THAN 25,000 BUT NOT MORE THAN 75,000 POUNDS ABOVE GROUND, OR MORE THAN 2,500 BUT NOT MORE THAN 7,500 POUNDS BELOW GROUND, OF ANY HAZARDOUS SUBSTANCES; OR STORES OR ACCUMULATES AT ANY TIME MORE THAN 25,000 GALLONS ABOVE GROUND, OR MORE THAN 500 GALLONS BELOW GROUND, OF PETROLEUM, INCLUDING CRUDE OIL OR ANY FRACTION THEREOF WHICH IS NOT OTHERWISE SPECIFICALLY LISTED OR DESIGNATED AS A HAZARDOUS

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SUBSTANCE; OR STORES OR ACCUMULATES PESTICIDES, FERTILIZERS, OR ROAD OILS FOR PURPOSES OF COMMERCIAL APPLICATION OR FOR DISTRIBUTION TO RETAIL SALES OUTLETS; OR STORES OR ACCUMULATES AT ANY TIME MORE THAN 50,000 POUNDS OF ANY DE-ICING AGENT; OR IS UTILIZED FOR HANDLING LIVESTOCK WASTE OR FOR TREATING DOMESTIC WASTEWATERS OTHER THAN PRIVATE SEWAGE DISPOSAL SYSTEMS AS DEFINED IN THE "PRIVATE SEWAGE DISPOSAL LICENSING ACT". (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1003.60)

"Practical Quantitation Limit" or "PQL" means the lowest concentration or level that can be reliably measured within specified limits of precision and accuracy during routine laboratory operating conditions as set forth in Section 620.125.

"Previously mined area" means land disturbed or affected by coal mining operations that was not reclaimed prior to February 1, 1983.

(Board Note: February 1, 1983, is the effective date of the Illinois permanent program regulations implementing the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.1 et seq., as amended) as codified in 62 Ill. Adm. Code 1700 through 1850.)

"Property class" means the class assigned by a tax assessor to real property for purposes of real estate taxes.

(Board Note: The property class [rural property, residential vacant land, residential with dwelling, commercial residence, commercial business, commercial office, or industrial] is identified on the property record card maintained by the tax assessor in accordance with the Illinois Real Property Appraisal Manual [February 1987], published by the Illinois Department of Revenue, Property Tax Administration Bureau.)

"PUBLIC WATER SUPPLY" MEANS ALL MAINS, PIPES AND STRUCTURES THROUGH WHICH WATER IS OBTAINED AND DISTRIBUTED TO THE PUBLIC, INCLUDING WELLS AND WELL STRUCTURES, INTAKES AND CRIBS, PUMPING STATIONS, TREATMENT PLANTS, RESERVOIRS, STORAGE TANKS AND APPURTENANCES, COLLECTIVELY OR SEVERALLY, ACTUALLY USED OR INTENDED FOR USE FOR THE PURPOSE OF FURNISHING WATER

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FOR DRINKING OR GENERAL DOMESTIC USE AND WHICH SERVE AT LEAST 15 SERVICE CONNECTIONS OR WHICH REGULARLY SERVE AT LEAST 25 PERSONS AT LEAST 60 DAYS PER YEAR. A PUBLIC WATER SUPPLY IS EITHER A "COMMUNITY WATER SUPPLY" OR A "NON-COMMUNITY WATER SUPPLY". (Ill. Rev. Stat. 1989, ch. 111 1/2 par. 1003.28)

"Regulated entity" means a facility or unit regulated for groundwater protection by any State or federal agency.

"Regulatory agency" means the Illinois Environmental Protection Agency, Department of Public Health, Department of Agriculture, Department of Mines and Minerals, and the Office of State Fire Marshall.

"REGULATED RECHARGE AREA" MEANS A COMPACT GEOGRAPHIC AREA, AS DETERMINED BY THE BOARD pursuant to Section 17.4 of the Act, THE GEOLOGY OF WHICH RENDERS A POTABLE RESOURCE GROUNDWATER PARTICULARLY SUSCEPTIBLE TO CONTAMINATION. (Ill. Rev. Stat. 1989, ch. 111 1/2 par. 1003.67)

"RESOURCE GROUNDWATER" MEANS GROUNDWATER THAT IS PRESENTLY BEING OR IN THE FUTURE CAPABLE OF BEING PUT TO BENEFICIAL USE BY REASON OF BEING OF SUITABLE QUALITY. (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7453(j))

"SETBACK ZONE" MEANS A GEOGRAPHIC AREA, DESIGNATED PURSUANT TO THIS ACT, CONTAINING A POTABLE WATER SUPPLY WELL OR A POTENTIAL SOURCE OR POTENTIAL ROUTE HAVING A CONTINUOUS BOUNDARY, AND WITHIN WHICH CERTAIN PROHIBITIONS OR REGULATIONS ARE APPLICABLE IN ORDER TO PROTECT GROUNDWATERS. (Ill. Rev. Stat. 1989, ch. 111 1/2 par. 1003.61)

"Site" means any location, place, tract of land and facilities, including but not limited to buildings and improvements.

"Spring" means a natural surface discharge of an aquifer from rock or soil.

"Threshold dose" means the lowest dose of a chemical at which a specified measurable effect is observed and below which it is not observed.

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"Treatment" means the technology, treatment techniques, or other procedures for compliance with 35 Ill. Adm. Code: Subtitle F.

"UNIT" MEANS ANY DEVICE, MECHANISM, EQUIPMENT, OR AREA (EXCLUSIVE OF LAND UTILIZED ONLY FOR AGRICULTURAL PRODUCTION). (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1003.62)

"USEPA" or "U.S. EPA" means the United States Environmental Protection Agency.

Section 620.115 Prohibition

No person shall cause, threaten or allow a violation of the Act, the IGPA or regulations adopted by the Board thereunder, including but not limited to this Part.

Section 620.125 Incorporations by Reference

a) The Board incorporates the following material by reference:

1) ASTM. Available from: ASTM, 1916 Race Street, Philadelphia, Pa. 19103:

A) "Annual Book of ASTM Standards, Section 8 Plastics," Volume 08.04 (PCN): 01-080484-19.

2) EMSL. Available from Environmental Monitoring Systems Laboratory, Office of Research and Development, USEPA, Cincinnati, Ohio 45268, (513-569-7562):

A) "Methods for Chemical Analysis of Water and Wastes," EPA Publication No. EPA-600/4-79-020, (March 1983).

B) "Methods for the Determination of Organic Compounds in Drinking Water," EPA, EMSL, EPA-600/4-88/039 (Dec. 1988).

3) GPO. Available from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202-783-3238):

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- A) "Practical Guide for Ground-Water Sampling," EPA Publication No. EPA/600/2-85/104 (September 1985).
- B) "RCRA Groundwater Monitoring Technical Enforcement Guidance Document," EPA Publication No. OSWER-9950.1 (September 1986).
- C) "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW-846 (Third Edition, 1986, as amended by Revision I (December 1987)).
- D) USEPA Guidelines for Carcinogenic Risk Assessment, 51 Fed. Reg. 33992-34003 (September 24, 1986).
- E) 40 CFR 141, 142 and 143 (1990)
- F) 40 CFR 300 (1990)
- G) 54 Fed. Reg. 22062-22160 (May 22, 1989).
- H) 54 Fed. Reg. 3526-3597 (January 30, 1991).
- 4) USGS. Available from: Distribution Branch, United States Geological Survey, 604 South Pickett Street, Alexandria, VA 22304, (703-648-7411):
- A) "Techniques of Water Resources Investigations of the United States Geological Survey, Guidelines for Collection and Field Analysis of Ground-Water Samples for Selected Unstable Constituents," Book I, Chapter D2 (1981).
- b) This Section incorporates no later editions or amendments.
- Section 620.130 Exemption from General Use Standards and Public and Food Processing Water Supply Standards
- Groundwater is not required to meet the general use standards and public and food processing water supply standards of 35 Ill. Adm. Code 302.Subparts B and C.

Section 620.135 Exclusion for Waters in Certain Man-Made Conduits

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This Part does not apply to waters contained in man-made subsurface drains, tunnels, reservoirs, storm sewers, tiles or sewers.

SUBPART B: GROUNDWATER CLASSIFICATION

Section 620.201 Groundwater Designations

All groundwaters of the State are designated as:

- a) One of the following four classes of groundwater in accordance with Sections 620.210 through 620.240:
- 1) Class I: Potable Resource Groundwater
 - 2) Class II: General Resource Groundwater;
 - 3) Class III: Special Resource Groundwater;
 - 4) Class IV: Other Groundwater; or
- b) A groundwater management zone in accordance with Section 620.250.

Section 620.210 Class I: Potable Resource Groundwater

Except as provided in Sections 620.230, 620.240, or 620.250, Potable Resource Groundwater is:

- a) Groundwater located 10 feet or more below the land surface and within:
- 1) The minimum setback zone of a well which serves as a potable water supply and to the bottom of such well;
 - 2) Unconsolidated sand, gravel or sand and gravel which is 5 feet or more in thickness and that contains 12 percent or less of fines (i.e. fines which pass through a No. 200 sieve tested according to ASTM Standard Test Method D2487-83);
 - 3) Sandstone which is 10 feet or more in thickness, or fractured carbonate which is 15 feet or more in thickness; or

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- 4) Any geologic material which is capable of a sustained groundwater yield of 150 gallons per day or more from a thickness of 15 feet or less, using an appropriate test method.

- b) Any groundwater which is determined by the Board pursuant to petition procedures set forth in Section 620.260, to be capable of potable use.

Section 620.220 Class II: General Resource Groundwater

Except as provided in Section 620.250, General Resource Groundwater is:

- a) Groundwater which does not meet the provisions of Section 620.210 (Class I), Section 620.230 (Class III), or Section 620.240 (Class IV).

- b) Groundwater which is found by the Board, pursuant to the petition procedures set forth in Section 620.260, to be capable of agricultural, industrial, recreational or other beneficial uses.

Section 620.230 Class III: Special Resource Groundwater

Except as provided in Section 620.250 and as determined by the Board pursuant to procedures set forth in Section 620.260, Special Resource Groundwater is groundwater of high value that is vulnerable to contamination and that is:

- a) Demonstrably unique (e.g., irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified in Subpart D; or
- b) Vital for a particularly sensitive ecological system.

Section 620.240 Class IV: Other Groundwater

Except as provided in Section 620.250, Other Groundwater is:

- a) Groundwater within the zone of attenuation as provided for a permitted landfill in 35 Ill. Adm. Code 811;
- b) Groundwater that naturally contains more than 10,000 mg/L of total dissolved solids;

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- c) Groundwater which has been designated by the Board as an exempt aquifer pursuant to 35 Ill. Adm. Code 730.104; or
- d) Groundwater which underlies a potential primary or secondary source, in which contaminants may be present, provided that:

- 1) The outermost edge is the closest practicable distance, but does not exceed a lateral distance of 25 feet from the edge of such potential source or the property boundary, whichever is less, and a depth of 15 feet from the bottom of such potential source or the land surface, whichever is greater;
- 2) The source of any release of contaminants to groundwater has been controlled;
- 3) Migration of contaminants within the site resulting from a release to groundwater has been minimized;
- 4) Any on-site release of contaminants to groundwater has been managed to prevent migration off-site; and
- 5) No potable water well exists in such groundwater.

- e) Groundwater within a previously mined area, unless monitoring demonstrates that the groundwater is capable of beneficial use consistent with the standards as provided in Sections 620.410 or 620.420. In the event that such beneficial use is determined, groundwater within the previously mined area shall not be Class IV.

Section 620.250 Groundwater Management Zone

- a) Within any class of groundwater, a groundwater management zone may be established as a three dimensional region containing groundwater being managed to mitigate impairment caused by the release of contaminants from a site:

- 1) That is subject to a corrective action process approved by the Agency; or
- 2) For which the owner or operator provides a written confirmation to the Agency that an equivalent corrective process is being undertaken in a timely

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and appropriate manner. Such confirmation shall be provided in a form as prescribed by the Agency.

- b) A groundwater management zone is established upon concurrence by the Agency that the conditions as specified in subsection (a) are met. Typical actions which may take place within such zone include, but are not limited to, the following:

- 1) Containment of contaminants;
- 2) Treatment of contaminants; or
- 3) Use or exposure controls.

- c) A groundwater management zone may be established for a period of time consistent with implementation of a process as described in subsection (a). In the event that restoration concentrations, as specified in Section 620.450(a)(4)(B), remain in groundwater at the site following completion of such a process, the Agency shall review the on-going adequacy of controls and continued management at the site. Such review shall take place no less often than every 5 years and the results shall be presented in a written report.

- d) A groundwater management zone shall expire upon appropriate documentation which confirms:

- 1) Attainment of applicable standards as set forth in Subpart D; or
- 2) Effectuation of enforceable measures that preclude human exposure to on-site restoration concentrations in groundwater.

Section 620.260 Reclassification of Groundwater by Adjusted Standard

Any person may petition the Board to reclassify a groundwater in accordance with the procedures for adjusted standards specified in Section 28.1 of the Act and 35 Ill. Adm. Code 106.Subpart G. In any proceeding to reclassify specific groundwater by adjusted standard, in addition to the requirements of 35 Ill. Adm. Code 106.Subpart G, and Section 28.1(c) of the Act, the petition shall, at a minimum, contain information to allow the Board to determine:

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- a) The specific groundwater for which reclassification is requested, including but not limited to geographical extent of any aquifers, depth of groundwater, and rate and direction of groundwater flow and that the specific groundwater exhibits the characteristics of the requested class as set forth in Sections 620.210(e), 620.220(b), 620.230, or 620.240(b);
- b) Whether the proposed change or use restriction is necessary for economic or social development, by providing information including, but not limited to, the impacts of the standards on the regional economy, social benefits such as loss of jobs or closing of facilities, and economic analysis contrasting the health and environmental benefits with costs likely to be incurred in meeting the standards would be beneficial or necessary;
- c) Existing and anticipated uses of the specific groundwater;
- d) Existing and anticipated quality of the specific groundwater;
- e) Existing and anticipated contamination, if any, of the specific groundwater;
- f) Technical feasibility and economic reasonableness of eliminating or reducing contamination of the specific groundwater or of maintaining existing water quality;
- g) The anticipated time period over which contaminants will continue to affect the specific groundwater;
- h) Existing and anticipated impact on any potable water supplies due to contamination;
- i) Availability and cost of alternate water sources or of treatment for those users adversely affected;
- j) Negative or positive effect on property values; and
- k) For special resource groundwater, negative or positive effect on:
 - 1) The quality of surface waters; and

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- 2) Wetlands, natural areas, and the life contained therein, including endangered or threatened species of plant, fish or wildlife listed pursuant to the Endangered Species Act 16 U.S.C. 1531 et seq., or the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1989, ch. 8, par. 331 et seq.).

SUBPART C: NONDEGRADATION PROVISIONS FOR APPROPRIATE GROUNDWATERS

Section 620.301 General Prohibition Against Use Impairment of Resource Groundwater

- a) No person shall cause, threaten or allow the release of any contaminant to a resource groundwater such that:
 - 1) Treatment or additional treatment is necessary to continue an existing use or to assure a potential use of such groundwater; or
 - 2) An existing or potential use of such groundwater is precluded.
- b) Nothing in this Section shall prevent the establishment of a groundwater management zone pursuant to Section 620.250.

Section 620.302 Applicability of Notification Limitations and Preventive Response Activities

- a) Notification limitations and preventive response as specified in Sections 620.305 through 620.310 shall apply to:
 - 1) Class I groundwater, which is monitored by the persons listed in subsection (b), and is located within:
 - A) A setback zone;
 - B) A regulated recharge area;
 - C) 50 feet of the land surface; or
 - 2) Class III groundwater which is monitored by the persons listed in subsection (b).

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- b) For purposes of subsection (a), the persons that conduct groundwater monitoring are:
 - 1) An owner or operator of a regulated entity for which groundwater quality monitoring must be performed pursuant to State or Federal law or regulation;
 - 2) An owner or operator of a public water supply well who conducts groundwater quality monitoring; or
 - 3) A state agency which is authorized to conduct or is the recipient of groundwater quality monitoring data (e.g., Illinois Environmental Protection Agency, Department of Public Health, Department of Conservation, Department of Mines and Minerals, Department of Agriculture, Office of State Fire Marshall or Department of Energy and Natural Resources).

Section 620.305 Notification Limitations and Procedures

- a) Pursuant to groundwater quality monitoring as described in Section 620.302, a notification limitation shall apply to a specified groundwater whenever a contaminant:
 - 1) Listed under Section 620.310(a)(3)(A) is detected (except due to natural causes) in Class I groundwater; or
 - 2) Subject to a standard under Section 620.430 is detected (except due to natural causes) in Class III groundwater.
- b) When a notification limitation applies to groundwater which is monitored by a regulated entity for the subject contaminant, the owner or operator of the site shall confirm the detection by resampling the monitoring well. This resampling shall be made within 30 days of the date on which the first sample analyses are received. The owner or operator shall provide notice to the appropriate regulatory agency of the results of the resampling analysis within 30 days of the date on which the sample analyses are received, but no later than 90 days after the results of the first samples were received.
- c) When a notification limitation applies to groundwater which is monitored by a regulatory agency, such agency

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shall notify the owner or operator of the site where the detection has occurred. The owner or operator shall confirm the detection by resampling within 30 days of the date of the notice by the regulatory agency. The owner or operator shall provide notice to the regulatory agency of the results of the resampling analysis within 30 days of the date on which the sample analyses are received, but no later than 90 days after the results of the first samples were received.

- d) When a notice of a confirmed detection has been provided by an owner or operator pursuant to this Section, additional detections of the same contaminant do not require further notice, provided that the groundwater quality conditions are substantially unchanged or that preventive response is underway for such contaminant.

Section 620.310 Preventive Response Activities

- a) The following preventive assessment shall be undertaken:

- 1) If a notice under Section 620.305(c) is provided by a community water supply:

- A) The Agency shall notify the owner or operator of any identified potential primary source, potential secondary source, potential route, or community water supply well that is located within 2,500 feet of the wellhead.

- B) The owner or operator notified under subsection (a)(1)(A) shall, within 30 days of the date of issuance of such notice, sample each water well or monitoring well for the contaminant identified in the notice if the contaminant or material containing such contaminant is or has been stored, disposed, or otherwise handled at the site. If a contaminant identified under Section 620.305(a) is detected, then the well shall be resampled within 30 days of the date on which the first sample analyses are received. The results of each analysis shall be reported to the Agency within 90 days of the date of issuance of the notice.

- C) If the Agency receives analytical results under subsection (a)(1)(B) that show a contaminant

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identified under Section 620.305(a) has been detected, the Agency shall:

- i) Conduct a well site survey pursuant to Section 17.1(d) of the Act, if such a survey has not been previously conducted within the last 5 years; and

- ii) Identify those sites or activities which represent a hazard to the continued availability of groundwaters for public use unless a groundwater protection needs assessment has been prepared pursuant to Section 17.1 of the Act.

- 2) The Department of Public Health shall conduct a sanitary survey within 500 feet of the wellhead or wellheads if a notice under Section 620.305(c) is provided by a non-community water supply or for multiple private water supply wells.

- 3) If a notice under Section 620.305(b) is provided by the owner or operator of a regulated entity and the applicable standard in Subpart D has not been exceeded:

- A) The appropriate regulatory agency shall determine if any of the following occurs for Class I: Potable Resource Groundwater:

- i) The levels set forth below are exceeded:

Constituent	Criteria (mg/l)
para-Dichlorobenzene	0.005
ortho-Dichlorobenzene	0.01
Ethylbenzene	0.03
Styrene	0.01
Toluene	0.04
Xylenes	0.02

- ii) For a constituent other than those identified in subsections (a)(3)(A)(i) or (iii), a statistically significant increase occurs above background (as determined pursuant to other regulatory

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procedures (e.g., 35 Ill. Adm. Code 616, 724, 725 or 811)) for arsenic, cadmium, chromium, cyanide, lead or mercury (except due to natural causes); or for aldicarb, atrazine, carbofuran, endrin, lindane (gamma-hexachlor cyclohexane), 2,4-D, 1,1-dichloroethylene, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, methoxychlor, monochlorobenzene, 2,4,5-TP (Silvex) and 1,1,1-trichloroethane.

iii) For a chemical constituent of gasoline, diesel fuel, or heating fuel, the constituent exceeds the following:

Constituent	Criterion (mg/l)
Benzene	0.005
BETX	0.095

(Board Note: Constituents that are carcinogens have not been listed in subsection (a)(3)(A) because the standard is set at the PQL and any exceedance thereof is a violation subject to corrective action.)

B) The appropriate agency shall determine if, for Class III: Special Resource Groundwater, the levels as determined by the Board are exceeded.

C) The appropriate regulatory agency shall consider whether the owner or operator reasonably demonstrates that:

i) The contamination is as a result of contaminants remaining in groundwater from a prior release for which appropriate action was taken in accordance with laws and regulations in existence at the time of the release;

ii) The source of contamination is not due to the on-site release of contaminants; or

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iii) The detection resulted from error in sampling, analysis, or evaluation.

D) The appropriate regulatory agency shall consider actions necessary to minimize the degree and extent of contamination.

b) Based on the considerations in subsection (a)(3) as well as other relevant factors, the appropriate regulatory agency shall determine whether a preventive response shall be undertaken at a site.

c) After completion of preventive response pursuant to authority of an appropriate regulatory agency, the concentration of a contaminant in groundwater shall not exceed 50 percent of the applicable numerical standard in Subpart D.

d) Nothing in this Section shall in any way limit the authority of the State or of the United States to require or perform any corrective action process.

SUBPART D: GROUNDWATER QUALITY STANDARDS

Section 620.401 Applicability

Groundwaters shall meet the standards appropriate to the groundwater's class as specified in this Subpart and the nondegradation provisions of Subpart C.

Section 620.405 General Prohibition Against Violations of Groundwater Quality Standards

No person shall cause, threaten or allow the release of any contaminant to groundwater so as to cause a groundwater quality standard set forth in this Subpart to be exceeded.

Section 620.410 Groundwater Quality Standards for Class I: Potable Resource Groundwater

a) Inorganic Chemical Constituents

Except due to natural causes or as provided in Section 620.450, concentrations of the following chemical constituents shall not be exceeded in Class I groundwater:

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Constituent	Units	Standard
Arsenic	mg/l	0.05
Barium	mg/l	2
Cadmium	mg/l	0.005
Chloride*	mg/l	200
Chromium	mg/l	0.1
Copper	mg/l	5
Cyanide	mg/l	0.2
Fluoride	mg/l	4.0
Iron*	mg/l	5
Lead	mg/l	0.05
Manganese	mg/l	0.15
Mercury	mg/l	0.002
Nitrate as N	mg/l	10
Radium-226	pCi/l	20
Radium-228	pCi/l	20
Selenium	mg/l	0.05
Silver	mg/l	0.05
Sulfate*	mg/l	400
Total Dissolved Solids (TDS)*	mg/l	1,200

*Denotes standards that apply only in aquifers.

b) Organic Chemical Constituents

Except due to natural causes or as provided in Section 620.450 or subsection (c), concentrations of the following organic chemical constituents shall not be exceeded in Class I groundwater:

Constituent	Standard (mg/l)
Alachlor*	0.002
Aldicarb	0.003
Atrazine	0.003
Benzene*	0.005
Carbofuran	0.04
Carbon Tetrachloride*	0.005
Chlordane*	0.002
Endrin	0.002
Heptachlor*	0.0004
Heptachlor Epoxide*	0.0002
Lindane (Gamma-Hexachlor cyclohexane)	0.0002

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2,4-D	0.07
ortho-Dichlorobenzene	0.6
para-Dichlorobenzene	0.075
1,2-Dichloroethane*	0.005
1,1-Dichloroethylene	0.007
cis-1,2-Dichloroethylene	0.07
trans-1,2-Dichloroethylene	0.1
1,2-Dichloropropane*	0.005
Ethylbenzene	0.7
Methoxychlor	0.04
Monochlorobenzene	0.1
Pentachlorophenol*	0.001
Polychlorinated Biphenyls (PCB's) (as decachlorobiphenyl)*	0.0005
Styrene	0.1
2,4,5-TP (Silvex)	0.05
Tetrachloroethylene*	0.005
Toluene	1
Toxaphene*	0.003
1,1,1-Trichloroethane	0.2
Trichloroethylene*	0.005
Vinyl Chloride*	0.002
Xylenes	10

*Denotes a carcinogen.

c) Complex Organic Chemical Mixtures

Concentrations of the following chemical constituents of gasoline, diesel fuel, or heating fuel shall not be exceeded in Class I groundwater:

Constituent	Standard (mg/l)
Benzene*	0.005
BETX	11.705

*Denotes a carcinogen.

d) pH

Except due to natural causes, a pH range of 6.5 - 9.0 units shall not be exceeded in Class I groundwater.

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Section 620.420 Groundwater Quality Standards for Class II:
General Resource Groundwater

a) Inorganic Chemical Constituents

- 1) Except due to natural causes or as provided in Section 620.450 or subsection (a)(3) or (d), concentrations of the following chemical constituents shall not be exceeded in Class II groundwater:

<u>Constituent</u>	<u>Standard</u> (mg/l)
Arsenic	0.2
Barium	2
Cadmium	0.05
Chromium	1
Cobalt	1
Cyanide	0.6
Fluoride	4.0
Lead	0.1
Mercury	0.01
Nitrate as N	100

- 2) Except as provided in Section 620.450 or subsection (a)(3) or (d), concentrations of the following chemical constituents shall not be exceeded within an aquifer which is 10 feet or more from the land surface:

<u>Constituent</u>	<u>Standard</u> (mg/l)
Boron	2.0
Chloride	200
Copper	0.5
Iron	5
Manganese	10
Nickel	2
Selenium	0.02
Total Dissolved Solids (TDS)	1,200
Sulfate	400
Zinc	10

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- 3) For a site within the industrial property class, any concentration of an inorganic chemical constituent listed in subsection (a)(1) or (a)(2) shall not apply to groundwater within fill material or within the upper 5 feet of parent material under fill material that was placed on such a site prior to the effective date of this part and for which:

- A) On-site surficial characteristics have been altered by the placement of such fill material so as to cause the concentration as specified in subsection (a)(1), (a)(2), or (e) to be exceeded;
- B) The placement of such fill material does not cause any concentration as specified in subsection (a)(1), (a)(2), or (e) to be exceeded off-site; and
- C) The existing on-site concentration, as determined by groundwater monitoring and documented, of such chemical constituent is not exceeded after the effective date of this Part.
- 4) For purposes of subsection (a)(3), the term "fill material" means earthen materials, slag, ash, clean demolition debris, or other similar materials.

b) Organic Chemical Constituents

- 1) Except due to natural causes or as provided in Section 620.450 or subsection (b)(2) or (d), concentrations of the following organic chemical constituents shall not be exceeded in Class II groundwater:

<u>Constituent</u>	<u>Standard</u> (mg/l)
Alachlor*	0.010
Aldicarb	0.015
Atrazine	0.015
Benzene*	0.025
Carbofuran	0.2
Carbon Tetrachloride*	0.025
Chlordane*	0.01
Endrin	0.01

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Heptachlor*	0.002
Heptachlor Epoxide*	0.01
Lindane (Gamma-Hexachlor cyclohexane)	0.0002
2,4-D	0.35
ortho-Dichlorobenzene	1.5
para-Dichlorobenzene	0.375
1,2-Dichloroethane*	0.025
1,1-Dichloroethylene	0.035
cis-1,2-Dichloroethylene	0.2
trans-1,2-Dichloroethylene	0.5
1,2-Dichloropropane*	0.025
Ethylbenzene	1.0
Methoxychlor	0.2
Monochlorobenzene	0.5
Pentachlorophenol*	0.005
Phenols	0.1
Polychlorinated Biphenyls (PCB's) (as decachlorobiphenyl)*	0.0025
Styrene	0.5
2,4,5-TP	0.25
Tetrachloroethylene*	0.025
Toluene	2.5
Toxaphene*	0.015
1,1,1-Trichloroethane	1.0
Trichloroethylene*	0.025
Vinyl Chloride*	0.01
Xylenes	10

*Denotes a carcinogen.

- 2) For a site used for agricultural crop production, the standards for pesticide chemical constituents listed in subsection (b)(1) shall not apply to groundwater within 5 feet of the land surface or the mature root zone, whichever is greater, but not to exceed 10 feet from the land surface, provided that the concentrations of such constituents result from the application of pesticides in a manner consistent with the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (7 U. S. C. 136 et seq.) and the Illinois Pesticide Act (Ill. Rev. Stat. 1989, ch. 5, pars. 801 et seq.).

- d) Complex Organic Chemical Mixtures

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Concentrations of the following organic chemical constituents of gasoline, diesel fuel, or heating fuel shall not be exceeded in Class II groundwater:

Constituent	Standard (mg/l)
Benzene*	0.025
BETX	13.525

*Denotes a carcinogen.

e) pH

Except due to natural causes, a pH range of 6.5 - 9.0 units shall not be exceeded in Class II groundwater of 10 feet or more from the land surface. This requirement shall apply only in aquifers.

Section 620.430 Groundwater Quality Standards for Class III: Special Resource Groundwater

Specific standards for Class III: Special Resource Groundwater will be established by the Board in accordance with procedures set forth in Section 620.260.

Section 620.440 Groundwater Quality Standards for Class IV: Other Groundwater

- a) Except as provided in subsection (b), Class IV: Other Groundwater standards are equal to the existing concentrations of constituents in groundwater.

- b) For groundwater within a zone of attenuation for a permitted landfill, the standards specified in Section 620.420 shall not be exceeded, except for concentrations of contaminants within leachate discharged from a permitted unit.

- c) For groundwater within a previously mined area, the standards set forth in Section 620.420 shall not be exceeded, except for concentrations of TDS, chloride, iron, manganese, or sulfates. For concentrations of TDS, chloride, iron, manganese, or sulfates, the standards are the existing concentrations.

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Section 620.450 Alternative Groundwater Quality Standards

a) Groundwater Quality Restoration Standards

- 1) Any chemical constituent in groundwater within a groundwater management zone is subject to this Section.
- 2) Except as provided in subsections (a)(3) or (a)(4), the standards as specified in Sections 620.410, 620.420, 620.430, and 620.440 shall apply to any chemical constituent in groundwater within a groundwater management zone.
- 3) Prior to completion of a process described in Section 620.250(a), the standards as specified in Sections 620.410, 620.420, 620.430, and 620.440 are not applicable to such released chemical constituent, provided that the initiated action proceeds in a timely and appropriate manner.
- 4) After completion of a process as described in Section 620.250(a) under which the maximum practicable restoration of beneficial use, as appropriate for the class of groundwater, has been achieved and any threat to public health or the environment has been minimized, the standard for such released chemical constituent is:
 - A) The concentration as set forth in Section 620.410, 620.420, 620.430, or 620.440, if the restoration concentration as determined by groundwater monitoring of such constituent is less than or equal to the concentration for the appropriate class set forth in those sections; or
 - B) The restoration concentration, if such concentration exceeds the concentration for the appropriate class set forth in Section 620.410, 620.420, 620.430, or 620.440 for such constituent.
- 5) The Agency shall develop and maintain a listing of restoration concentrations as derived pursuant to subsection (a)(4)(B). This list shall be made available to the public and be updated periodically,

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but no less frequently than semi-annually. This listing shall be published in the Environmental Register.

b) Coal Reclamation Groundwater Quality Standards

- 1) Any inorganic chemical constituent or pH in groundwater within an underground coal mine or within the cumulative impact area of groundwater for which the hydrologic balance has been disturbed from a permitted coal mine area pursuant to the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.1 et seq., as amended) and 62 Ill. Adm. Code 1700 through 1850, is subject to this Section. This Section shall not apply to:
 - A) A refuse disposal area that is not contained within the area from which overburden has been removed. This Section shall apply to a refuse disposal area that was placed in operation prior to February 1, 1983, and:
 - i) Has remained in continuous operation since that date; or
 - ii) Is modified after February 1, 1983, to include additional area, in which case this Section shall not apply to the additional area but shall apply to the area that meets the requirements of subsection (b)(1)(A)(i).
 - B) A coal preparation plant which contains slurry material, sludge or other precipitated process material. This Section shall apply to such a plant that was placed in operation prior to February 1, 1983, and:
 - i) Has remained in continuous operation since that date; or
 - ii) Is modified after February 1, 1983, to include additional area, in which case this Section shall not apply to the additional area but shall apply to the

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area that meets the requirements of subsection (b)(1)(B)(i).

- 2) Prior to completion of reclamation at a coal mine, the standards as specified in Sections 620.410(a) and (d), 620.420(a) and (e), 620.430, and 620.440 are not applicable to inorganic chemical constituents and pH.
- 3) After completion of reclamation at a coal mine, the standards as specified in Sections 620.410(a) and (d), 620.420(a) and (e), 620.430, and 620.440 are applicable to inorganic chemical constituents and pH, except:
 - A) The concentration of total dissolved solids (TDS) shall not exceed:
 - i) The post-reclamation concentration or 3000 mg/l, whichever is less, for groundwater within the permitted area; or
 - ii) The post-reclamation concentration of TDS shall not exceed the post-reclamation concentration or 5000 mg/l, whichever is less, for groundwater in underground coal mines and in permitted areas reclaimed after surface coal mining if the Illinois Department of Mines and Minerals and the Agency have determined that no significant resource groundwater existed prior to mining; and
 - B) For chloride, iron, manganese and sulfate, the post-reclamation concentration within the permitted area shall not be exceeded.

SUBPART E: GROUNDWATER MONITORING AND ANALYTICAL PROCEDURES

Section 620.505 Compliance Procedures

- a) Compliance with standards at a site shall be determined as follows:

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- 1) For a structure (e.g., buildings), at the closest practical distance beyond the outermost edge for the structure.
- 2) For groundwater that underlies a potential primary or secondary source, the outermost edge of such source as specified in Section 620.240(d).
- 3) For a groundwater management zone, as specified in a corrective action process.
- b) Compliance with this Part shall be determined at any point at which groundwater monitoring is conducted using any water well or monitoring well that meets the following conditions:

- 1) For a potable well other than a community water supply well, a construction report has been filed with the Department of Public Health for such potable well, or such well has been located and constructed (or reconstructed) to meet the Illinois Water Well Construction Code (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 116.111 et seq., as amended) and 35 Ill. Adm. Code 920.
- 2) For a community water supply well, such well has been permitted by the Agency, or has been constructed in accordance 35 Ill. Adm. Code 602.115.
- 3) For a water well other than a potable water well (e.g., a livestock watering well or an irrigation well), a construction report has been filed with the Department of Public Health or the Department of Mines and Minerals for such well, or such well has been located and constructed (or reconstructed) to meet the Illinois Water Well Construction Code (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 116.111 et seq., as amended) and 35 Ill. Adm. Code 920.
- 4) For a monitoring well, such well meets the following requirements:
 - A) Construction must be done in a manner that will enable the collection of groundwater samples;
 - B) Casings and screens must be made from durable material resistant to expected chemical or

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physical degradation that do not interfere with the quality of groundwater samples being collected; and

- C) The annular space opposite the screened section of the well (i.e., the space between the bore hole and well screen) must be filled with gravel or sand if necessary to collect groundwater samples. The annular space above and below the well screen must be sealed to prevent migration of water from adjacent formations and the surface to the sampled depth.

- c) For a spring, compliance with this Subpart shall be determined at the point of emergence.

Section 620.510 Monitoring and Analytical Requirements

a) Representative Samples

A representative sample shall be taken from locations as specified in Section 620.505.

b) Sampling and Analytical Procedures

- 1) Samples shall be collected in accordance with the procedures set forth in the documents listed in Section 620.125(a) or other procedures adopted by the appropriate agency.

- 2) Groundwater elevation in a groundwater monitoring well must be determined and recorded when necessary to determine the gradient.

- 3) The analytical methodology used for the analysis of constituents in Subparts C and E must be consistent with both of the following:

A) The methodology must have a PQL at or below the groundwater standard set forth in Subparts C or the corrective action levels of Subpart E, whichever is applicable; and

B) The methodology must be consistent with methodologies contained in the documents listed in Section 620.125(a).

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c) Reporting Requirements

At a minimum, groundwater monitoring analytical results must include information, procedures and techniques for:

- 1) Sample collection (including but not limited to name of sample collector, time and date of the sample, method of collection, and identification of the monitoring location);
- 2) Sample preservation and shipment (including but not limited to field quality control);
- 3) Analytical procedures (including but not limited to the method detection limits and the PQLs); and
- 4) Chain of custody control.

SUBPART F: HEALTH ADVISORIES

Section 620.601 Purpose of a Health Advisory

This Subpart establishes procedures for the issuance of a Health Advisory that sets forth guidance levels that, in the absence of standards under Section 620.410, must be considered by the Agency in:

- a) Establishing groundwater cleanup or action levels whenever there is a release or substantial threat of a release of:

1) A hazardous substance or pesticide; or

2) Other contaminant that represents a significant hazard to public health or the environment.

- b) Determining whether the community water supply is taking its raw water from the "best available source which is economically reasonable and technologically possible" as mandated under 35 Ill. Adm. Code 604.501(a).

c) Developing Board rulemaking proposals for new or revised numerical standards.

d) Evaluating mixtures of chemical substances.

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Section 620.605 Issuance of a Health Advisory

- a) The Agency shall issue a Health Advisory for a chemical substance if all of the following conditions are met:

- 1) A community water supply well is sampled and a substance is detected and confirmed by resampling;
 - 2) There is no standard under Section 620.410 for such chemical substance; and
 - 3) The chemical substance is toxic or harmful to human health according to nationally accepted guidelines.
- b) The Health Advisory shall contain a general description of the characteristics of the chemical substance, the potential adverse health effects, and a guidance level to be determined as follows:

- 1) If disease or functional impairment is caused due to a physiological mechanism for which there is a threshold dose below which no damage occurs, the guidance level for any such substance shall be the Maximum Contaminant Level Goal ("MCLG") adopted by USEPA for such substance. If there is no MCLG for the substance, the guidance level shall be the Human Threshold Toxicant Advisory Concentration for such substance as determined in accordance with Appendix A, unless the concentration for such substance is less than the lowest appropriate PQL specified in Section 620.125 for the substance. If the concentration for such substance is less than the lowest appropriate PQL specified in Section 620.125 for the substance, the guidance level is the lowest PQL.

- 2) If the chemical substance is a carcinogen, the guidance level for any such chemical substance shall be the lowest appropriate PQL specified in Section 620.125 for such substance.

Section 620.610 Publishing Health Advisories

- a) The Agency shall publish the full text of each Health Advisory upon issuance and make the document available to the public.

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- b) The Agency shall publish and make available to the public, at intervals of not more than 6 months, a comprehensive and up-to-date summary list of all Health Advisories.

Section 620.615 Additional Health Advice for Mixtures of Similar-Acting Substances

- a) The need for additional health advice appropriate to site-specific conditions shall be determined by the Agency when mixtures of chemical substances are detected, where two or more of the chemical substances are similar-acting in their toxic or harmful physiological effect on the same specific organ or organ system.
- b) If mixtures of similar-acting chemical substances are present, the level for such substances shall be determined in accordance with Appendices A, B, and C.

Section 620. Appendix A Procedures for Determining Human Threshold Toxicant Advisory Concentration for Class I: Potable Resource Groundwater

- a) Calculating the Human Threshold Toxicant Advisory Concentration

For those substances for which USEPA has not adopted a Maximum Contaminant Level Goal ("MCLG"), the Human Threshold Toxicant Advisory Concentration shall be calculated as follows:

$$HTTAC = (ADE/WH) \times RSC$$

Where: HTTAC = Human Threshold Toxicant Advisory Concentration in milligrams per liter

ADE = Acceptable Daily Exposure of substance in milligrams per day (mg/d) as determined pursuant to subsection (b).

WH = Per capita daily water consumption equal to 2 liters per day (l/d)

RSC = Relative contribution of the amount of the exposure to a chemical via drinking water when compared to the

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total exposure to that chemical from all sources. Valid chemical-specific data shall be used if available. If valid chemical-specific data are not available, a value of 20% (=0.20) shall be used.

b) Procedures for Determining Acceptable Daily Exposures for Class I: Potable Resource Groundwater

- 1) The Acceptable Daily Exposure (ADE) represents the maximum amount of a threshold toxicant in milligrams per day (mg/d) which if ingested daily for a lifetime results in no adverse effects to humans. Subsections (b) (2) through (b) (6) list, in prescribed order, methods for determining the ADE in Class I: Potable Resource Groundwater.
- 2) For those substances for which the USEPA has derived a Verified Oral Reference Dose for humans, USEPA's Reference Dose given in milligrams per kilogram per day (mg/kg/d) shall be used. The ADE equals the product of multiplying the Reference Dose by 70 kilograms (kg), which is the assumed average weight of an adult human.
- 3) For those substances for which a no observed adverse effect level for humans (NOAEL-H) exposed to the substance has been derived, the ADE equals the product of multiplying one-tenth of the NOAEL-H given in milligrams of toxicant per kilogram of body weight per day (mg/kg/d) by the average weight of an adult human of 70 kilograms (kg). If two or more studies are available, the lowest NOAEL-H shall be used in the calculation of the ADE.
- 4) For those substances for which only a lowest observed adverse effect level for humans (LOAEL-H) exposed to the substance has been derived, one-tenth the LOAEL-H shall be substituted for the NOAEL-H in subsection (b) (3).
- 5) For those substances for which a no observed adverse effect level has been derived from studies of mammalian test species (NOAEL-A) exposed to the substance, the ADE equals the product of multiplying 1/100 of the NOAEL-A given in milligrams toxicant

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per kilogram of test species weight per day (mg/kg/d) by the average weight of an adult human of 70 kilograms (kg). Preference will be given to animal studies having High Validity, as defined in subsection (c), in the order listed in that subsection. Studies having a Medium Validity shall be considered if no studies having High Validity are available. If studies of Low Validity must be used, the ADE shall be calculated using 1/1000 of the NOAEL-A having Low Validity instead of 1/100 of the NOAEL-A of High or Medium Validity, except as described in subsection (b) (6). If two or more studies among different animal species are equally valid, the lowest NOAEL-A among animal species shall be used in the calculation of the ADE. Additional considerations in selecting the NOAEL-A include:

- A) If the NOAEL-A is given in milligrams of toxicant per liter of water consumed (mg/l), prior to calculating the ADE the NOAEL-A must be multiplied by the average daily volume of water consumed by the mammalian test species in liters per day (l/d) and divided by the average weight of the mammalian test species in kilograms (kg).
- B) If the NOAEL-A is given in milligrams of toxicant per kilogram of food consumed (mg/kg), prior to calculating the ADE, the NOAEL-A must be multiplied by the average amount in kilograms of food consumed daily by the mammalian test species (kg/d) and divided by the average weight of the mammalian test species in kilograms (kg).
- C) If the mammalian test species was not exposed to the toxicant each day of the test period, the NOAEL-A must be multiplied by the ratio of days of exposure to the total days of the test period.
- D) If more than one equally valid NOAEL-A is available for the same mammalian test species, the best available data shall be used.
- 6) For those substances for which a NOAEL-A is not available but the lowest observed adverse effect

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level (LOAEL-A) has been derived from studies of mammalian test species exposed to the substance, one-tenth of the LOAEL-A may be substituted for the NOAEL-A in subsection (b)(5). The LOAEL-A shall be selected in the same manner as that specified in subsection (b)(5). One-tenth the LOAEL-A from a study determined to have Medium Validity may be substituted for a NOAEL-A in subsection (b)(3) if the NOAEL-A is from a study determined to have Low Validity, or if the toxicity endpoint measured in the study having the LOAEL-A of Medium Validity is determined to be more biologically relevant than the toxicity endpoint measured in the study having the NOAEL-A of Low Validity.

c) Procedures for Establishing Validity of Data from Animal Studies

1) High Validity Studies

A) High validity studies use a route of exposure by ingestion or gavage, and are based upon:

i) Data from animal carcinogenicity studies with a minimum of 2 dose levels and a control group, 2 species, both sexes, with 50 animals per dose per sex, and at least 50 percent survival at 15 months in mice and 18 months in rats and at least 25 percent survival at 18 months in mice and 24 months in rats;

ii) Data from animal chronic studies with a minimum of 3 dose levels and a control group, 2 species, both sexes, with 40 animals per dose per sex, and at least 50 percent survival at 15 months in mice and 18 months in rats and at least 25 percent survival at 18 months in mice and 24 months in rats, and a well-defined NOAEL; or

iii) Data from animal subchronic studies with a minimum of 3 dose levels and control, 2 species, both sexes, 4 animals per dose per sex for non-rodent species or 10 animals per dose per sex for rodent

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species, a duration of approximately 10 percent of the test species' lifespan, and a well-defined NOAEL.

B) Supporting studies which reinforce the conclusions of a study of Medium Validity may be considered to raise such a study to High Validity.

2) Medium Validity Studies

Medium validity studies are based upon:

A) Data from animal carcinogenicity, chronic, or subchronic studies in which minor deviations from the study design elements required for a High Validity Study are found, but which otherwise satisfy the standards for a High Validity Study;

B) Data from animal carcinogenicity and chronic studies in which at least 25 percent survival is reported at 15 months in mice and 18 months in rats (a lesser survival is permitted at the conclusion of a longer duration study, but the number of surviving animals should not fall below 20 percent per dose per sex at 18 months for mice and 24 months for rats), but which otherwise satisfy the standards for a High Validity Study;

C) Data from animal subchronic or chronic studies in which a Lowest Observable Adverse Effect Level (LOAEL) is determined, but which otherwise satisfy the standards for a High Validity Study; or

D) Data from animal subchronic or chronic studies which have an inappropriate route of exposure (for example, intraperitoneal injection or inhalation) but which otherwise satisfy the standards for a High Validity Study, with correction factors for conversion to the oral route.

3) Low Validity Studies

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Low validity studies are studies not meeting the standards set forth in subsection (c)(1) or (c)(2).

Section 620. Appendix B Procedures for Determining Hazard Indices for Class I: Potable Resource Groundwater for Mixtures of Similar-Acting Substances

a) This appendix describes procedures for determining the maximum amount of similar-acting substances which may be present as a mixture in Class I: Potable Resource Groundwaters for the protection of human health. Except as provided otherwise in subsection (c), subsections (d) through (h) describe the procedure for determining the Hazard Index for mixtures of similar-acting substances.

b) For the purposes of this appendix, a "mixture" means two or more substances which are present in Class I: Potable Resource Groundwater which may or may not be related either chemically or commercially, but which are not complex mixtures of related isomers and congeners which are produced as commercial products (for example, PCBs or technical grade chlordane).

c) The following substances listed in Section 620.410 are mixtures of similar acting substances:

- 1) Mixtures of ortho-Dichlorobenzene and para-Dichlorobenzene. The Hazard Index ("HI") for such mixtures shall be determined as follows:

$$HI = [\text{ortho-Dichlorobenzene}] / 0.6 + [\text{para-Dichlorobenzene}] / 0.075$$

- 2) Mixtures of 1,1-Dichloroethylene and 1,1,1-trichloroethane. The Hazard Index ("HI") for such mixtures shall be determined as follows:

$$HI = [1,1\text{-Dichloroethylene}] / 0.007 + [1,1,1\text{-trichloroethane}] / 0.2$$

d) When two or more substances occur together in a mixture, the additivity of the toxicities of some or all of the substances will be considered when determining health based standards for Class I: Potable Resource Groundwater. This is done by the use of a dose addition model with the development of a Hazard Index for the

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mixture of substances with similar-acting toxicities. This method does not address synergism or antagonism. Guidelines for determining when the dose addition of similar-acting substances is appropriate are presented in Appendix C.

The Hazard Index shall be calculated as follows:

$$HI = [A]/ALB + [B]/ALB + \dots [I]/ALI$$

Where: HI = Hazard Index, unitless.

[A], [B], [I] = Concentration of each similar-acting substance in groundwater in milligrams per liter (mg/l).

ALA, ALB, ALI = The acceptable level of each similar-acting substance in the mixture in milligrams per liter (mg/l).

e) For substances which are considered to have a threshold mechanism of toxicity, the acceptable level is:

- 1) The standards listed in Section 620.410; or

- 2) For those substances for which standards have not been established in Section 620.410, the Human Threshold Toxicant Advisory Concentration (HTTAC) as determined in Appendix A.

f) For substances which are carcinogens, the acceptable level is:

- 1) The standards listed in Section 620.410; or

- 2) For those substances for which standards have not been established under Section 620.410, the lowest appropriate PQL of USEPA-approved analytical methods for each substance.

g) Since the assumption of dose addition is most properly applied to substances that induce the same effect by similar modes of action, a separate HI shall be generated for each toxicity endpoint of concern.

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- h) In addition to meeting the individual substance objectives, a Hazard Index shall be less than or equal to 1 for a mixture of similar-acting substances.

Section 620. Appendix C Guidelines for Determining When Dose Addition of Similar-Acting Substances in Class I: Potable Resource Groundwaters is Appropriate

- a) Substances shall be considered similar-acting if:

- 1) The substances have the same target in an organism (for example, the same organ, organ system, receptor, or enzyme).
 - 2) The substances have the same mode of toxic action. These actions may include, for example, central nervous system depression, liver toxicity, or cholinesterase inhibition.
- b) Substances that have fundamentally different mechanisms of toxicity (threshold toxicants vs. carcinogens) shall not be considered similar-acting. However, carcinogens which also cause a threshold toxic effect should be considered in a mixture with other similar-acting substances having the same threshold toxic effect. In such a case, an Acceptable Level for the carcinogen must be derived for its threshold effect, using the procedures described in Appendix A.

- c) Substances which are components of a complex mixture of related compounds which are produced as commercial products (for example, PCBs or technical grade chlordane) shall not be considered mixtures, as defined in Appendix B. Such complex mixtures shall be considered to be equivalent to a single substance. In such a case, the Human Threshold Toxicant Advisory Concentration may be derived for threshold effects of the complex mixture, using the procedures described in Appendix A, if valid toxicological or epidemiological data are available for the complex mixture. If the complex mixture is a carcinogen, the Health Advisory Concentration shall be the lowest appropriate PQL of USEPA-approved analytical methods.

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- 1) Heading of the Part:

Intermediate Care for the Developmentally Disabled Facilities Code

- 2) Code Citation:

77 Ill. Adm. Code 350

- 3) Section Numbers:

350.120
350.330

Proposed Action:

Amendments
Amendments

- 4) Statutory Authority:

Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq.

- 5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 350 govern the licensure of long-term care facilities that provide intermediate care for developmentally disabled persons. These proposed amendments address issues encountered by the Department in the enforcement of the rules.

Section 350.120(g) - The Department is amending the rule to implement Section 3-110 of the Nursing Home Care Act, which states that "the Director may issue licenses or renewals for periods of not less than 6 months nor more than 18 months in order to distribute the expiration dates of such licenses throughout the calendar year, and fees for such licenses shall be prorated on the basis of the portion of the year for which they are issued." The proposed language explains how licenses will be issued so as to distribute the expiration dates throughout the calendar year. The amendment also sets forth the fee schedule.

Section 350.330 - The Department is adding a definition of the term "repeat violation," which is used to refer to a violation for which an accepted plan of correction was not complied with.

Statutory citations have been updated to the 1989 Illinois Revised Statutes.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

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6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☐ No ☒

If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☐ No ☒

10) Statement of Statewide Policy Objectives:

This rulemaking neither creates nor expands a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

Intermediate care facilities for the developmentally disabled.

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C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

D) Types of Professional Skills Necessary for Compliance:

None.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 350

INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
350.110	General Requirements
350.120	Application for License
350.130	Licensee
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
350.165	Criteria for Adverse License Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
350.190	Experimental Program Conflicting With Requirements
350.200	Inspections, Surveys, Evaluations and Consultation
350.210	Filing an Annual Attested Financial Statement
350.220	Information to Be Made Available to the Public By the Department
350.230	Information to Be Made Available to the Public By the Licensee
350.240	Municipal Licensing
350.250	Ownership Disclosure
350.260	Issuance of Conditional Licenses
350.270	Monitor and Receivership
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Level of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
350.278	Plans of Correction
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties
350.286	Determination to Assess Penalties
350.288	Reduction or Waiver of Penalties
350.290	Quarterly List of Violators
350.300	Alcoholism Treatment Programs In Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed
350.320	Waivers
350.330	Definitions
350.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

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350.510 Administrator

SUBPART C: POLICIES

350.610 Management Policies
350.620 Resident Care Policies
350.630 Admission and Discharge Policies
350.640 Contract Between Resident and Facility
350.650 Residents' Advisory Council
350.660 General Policies
350.670 Personnel Policies
350.675 Initial Health Evaluation for Employees
350.680 Developmental Disabilities Aides
350.685 Student Interns
350.690 Disaster Preparedness
350.700 Serious Incidents and Accidents

SUBPART D: PERSONNEL

350.810 Personnel
350.820 Consultation Services
350.830 Personnel Policies

SUBPART E: RESIDENT LIVING SERVICES

350.1010 Service Programs
350.1020 Psychological Services
350.1030 Social Services
350.1040 Speech Pathology and Audiology Services
350.1050 Recreational and Activities Services
350.1060 Training and Habilitation Services
350.1070 Training and Habilitation Staff

SUBPART F: HEALTH SERVICES

350.1210 Health Services
350.1220 Physician Services
350.1225 Tuberculin Skin Test Procedures
350.1230 Nursing Services
350.1240 Dental Services
350.1250 Physical and Occupational Therapy Services

SUBPART G: MEDICATIONS

350.1410 Medication Policies and Procedures
350.1420 Conformance with Physician's Orders
350.1430 Administration of Medication
350.1440 Labeling and Storage

350.1450 Control of Narcotics and Legend Drugs

SUBPART H: RESIDENT AND FACILITY RECORDS

- 350.1610 Resident Record Requirements
- 350.1620 Content of Medical Records
- 350.1630 Confidentiality of Resident's Records
- 350.1640 Records Pertaining to Residents' Property
- 350.1650 Retention and Transfer of Resident Records
- 350.1660 Other Resident Record Requirements
- 350.1670 Staff Responsibility for Medical Records
- 350.1680 Retention of Facility Records
- 350.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

- 350.1810 Director of Food Services
- 350.1820 Dietary Staff in Addition to Director of Food Services
- 350.1830 Hygiene of Dietary Staff
- 350.1840 Diet Orders
- 350.1850 Adequacy of Diet and Meal Pattern
- 350.1860 Therapeutic Diets
- 350.1870 Scheduling Meals
- 350.1880 Menu Planning
- 350.1890 Food Preparation and Service
- 350.1900 Food Handling Sanitation
- 350.1910 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

- 350.2010 Maintenance
- 350.2020 Housekeeping
- 350.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

- 350.2210 Furnishings
- 350.2220 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

- 350.2410 Codes
- 350.2420 Water Supply
- 350.2430 Sewage Disposal
- 350.2440 Plumbing

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

350.2610 Applicability of Standards

350.2620 Codes and Standards

350.2630 Preparation of Drawings and Specifications

350.2640 Site

- 350.2650 Administration and Public Areas
- 350.2660 Nursing Unit
- 350.2670 Dining, Living, Activities Rooms
- 350.2680 Therapy and Personal Care
- 350.2690 Service Departments
- 350.2700 General Building Requirements
- 350.2710 Structural
- 350.2720 Mechanical Systems
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SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

- 350.2910 Applicability
- 350.2920 Codes and Standards
- 350.2930 Preparation of Drawings and Specifications
- 350.2940 Site
- 350.2950 Administration and Public Areas
- 350.2960 Nursing Unit
- 350.2970 Living, Dining, Activities Rooms
- 350.2980 Treatment and Personal Care
- 350.2990 Service Departments
- 350.3000 General Building Requirements
- 350.3010 Structural
- 350.3020 Mechanical Systems
- 350.3030 Plumbing Systems
- 350.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

- 350.3210 General
- 350.3220 Medical and Personal Care Program
- 350.3230 Restraints
- 350.3240 Abuse and Neglect
- 350.3250 Communication and Visitation
- 350.3260 Resident's Funds
- 350.3270 Residents' Advisory Council
- 350.3280 Contract With Facility
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- 350.3300 Transfer or Discharge
- 350.3310 Complaint Procedures
- 350.3320 Confidentiality
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SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES
FOR THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

350.3710 Applicability of Other Provisions of this Part

350.3720 Administration

350.3730 Admission and Discharge Policies

350.3740 Personnel

350.3750 Consultation Services and Nursing Services

350.3760 Medication Policies

350.3770 Food Services

350.3780 Codes and Standards

350.3790 Administration and Public Areas

350.3800 Bedrooms

350.3810 Nurses Station

350.3820 Bath and Toilet Rooms

350.3830 Utility Rooms

350.3840 Living, Dining, Activity Rooms

350.3850 Therapy and Personal Care

350.3860 Kitchen

350.3870 Laundry Room

350.3880 General Building Requirements

350.3890 Corridors

350.3900 Special Care Room

350.3910 Exit Facilities and Subdivision of Floor Areas

350.3920 Stairways, Vertical Openings and Doorways

350.3930 Hazardous Areas and Combustible Storage

350.3940 Mechanical Systems

350.3950 Heating, Cooling, and Ventilating Systems

350.3960 Plumbing Systems

350.3970 Electrical Systems

350.3980 Fire Alarm and Detection System

350.3990 Emergency Electrical System

350.4000 Fire Protection

350.4010 Construction Types

350.4020 Equivalencies

350.4030 New Construction Requirements

SUBPART Q: DAY CARE PROGRAMS

350.4210 Day Care in Long-Term Care Facilities

APPENDIX A Classification of Distinct Part of a Facility for Different

Levels of Service

APPENDIX B Federal Requirements Regarding Residents' Rights

APPENDIX C Seismic Zone Map

APPENDIX D Forms for Day Care in Long-Term Care Facilities

TABLE A Sound Transmission Limitations in New Intermediate Care Facilities
for the Developmentally Disabled

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TABLE B Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled

TABLE C Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled

TABLE D Food Service Sanitation Rules and Regulations, 77 Ill. Adm. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled at Sixteen (16) Beds or Less

TABLE E Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less

TABLE F Disaster Preparedness Parameters-Relative Humidity and Temperature.

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq.).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 15556, 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 15 Ill. Reg. _____, effective _____.

NOTE: Italics and capitalization denote statutory language.

Section 350.120 Application for License

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- a) Any person acting individually or jointly with other persons who proposes to build, own, establish, or operate an intermediate care facility, or skilled nursing facility shall submit pre-application information on forms provided by the Department. The Department shall be furnished a written description of the proposed program to be provided, and other such information as it may require in order to determine the appropriate level of care for which the facility should be licensed. The pre-application form and other required information shall be submitted and approved prior to surveys of the physical plant or review of building plans and specifications.
- b) A pre-application for a new facility shall be accompanied by a permit as required by the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1989^{1/2}, ch. 111 1/2, par. 1151 et seq.).
- c) APPLICATION FOR A LICENSE TO ESTABLISH OR OPERATE AN INTERMEDIATE CARE FACILITY OR SKILLED NURSING FACILITY SHALL BE MADE IN WRITING AND SUBMITTED, WITH OTHER SUCH INFORMATION AS THE DEPARTMENT MAY REQUIRE, ON FORMS PROVIDED BY THE DEPARTMENT. (Section 3-103(1) of the Act)
- d) ALL APPLICATIONS, EXCEPT THOSE OF HOMES FOR THE AGED, SHALL BE ACCOMPANIED BY AN APPLICATION FEE OF 200 DOLLARS. THE APPLICATION SHALL BE UNDER OATH AND THE SUBMISSION OF FALSE OR MISLEADING INFORMATION SHALL BE A CLASS A MISDEMEANOR. THE APPLICATION SHALL CONTAIN THE FOLLOWING INFORMATION:
- 1) THE NAME AND ADDRESS OF THE APPLICANT IF AN INDIVIDUAL, AND IF A FIRM, PARTNERSHIP, OR ASSOCIATION, OF EVERY MEMBER THEREOF, AND IN THE CASE OF A CORPORATION, THE NAME AND ADDRESS THEREOF AND OF ITS OFFICERS AND ITS REGISTERED AGENT, AND IN THE CASE OF A UNIT OF LOCAL GOVERNMENT, THE NAME AND ADDRESS OF ITS CHIEF EXECUTIVE OFFICER;
 - 2) THE NAME AND LOCATION OF THE FACILITY FOR WHICH A LICENSE IS SOUGHT;
 - 3) THE NAME OF THE PERSON OR PERSONS UNDER WHOSE MANAGEMENT OR SUPERVISION THE FACILITY WILL BE CONDUCTED;
 - 4) THE NUMBER AND TYPE OF RESIDENTS FOR WHICH MAINTENANCE, PERSONAL CARE, OR NURSING IS TO BE PROVIDED; AND
 - 5) SUCH INFORMATION RELATING TO THE NUMBER, EXPERIENCE, AND TRAINING OF THE EMPLOYEES OF THE FACILITY, ANY MANAGEMENT AGREEMENTS FOR THE OPERATION OF THE FACILITY, AND OF THE MORAL CHARACTER OF THE APPLICANT AND EMPLOYEES AS THE DEPARTMENT MAY DEEM NECESSARY. (Section 3-103(2) of the Act)

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- e) The license is not transferable. It is issued to a specific licensee and for a specific location. The license and the valid current renewal certificate immediately become void and shall be returned to the Department when the facility is sold, or leased; or when operation is discontinued; or when operation is moved to a new location; or when the licensee (if an individual) dies; or when the licensee (if a corporation or partnership) dissolves or terminates; or when the licensee (whatever the entity) ceases to be. A license issued to a corporation shall become null, void and of no further effect upon the dissolution of the corporation. The license shall not be revived if the corporation is subsequently reinstated. A new license must be obtained in such cases.
- f) EACH INITIAL APPLICATION SHALL BE ACCOMPANIED BY A FINANCIAL STATEMENT SETTING FORTH THE FINANCIAL CONDITION OF THE APPLICANT AND BY A STATEMENT FROM THE UNIT OF LOCAL GOVERNMENT HAVING ZONING JURISDICTION OVER THE FACILITY'S LOCATION STATING THAT THE LOCATION OF THE FACILITY IS NOT IN VIOLATION OF A ZONING ORDINANCE. AN INITIAL APPLICATION FOR A NEW FACILITY SHALL BE ACCOMPANIED BY A PERMIT AS REQUIRED BY THE "ILLINOIS HEALTH FACILITIES PLANNING ACT". AFTER THE APPLICATION IS APPROVED, THE APPLICANT SHALL ADVISE THE DEPARTMENT EVERY SIX MONTHS OF ANY CHANGES IN THE INFORMATION ORIGINALLY PROVIDED IN THE APPLICATION. (Section 3-103(3) of the Act)
- g) Licenses may be issued FOR PERIODS OF NOT LESS THAN SIX (6) MONTHS NOR MORE THAN EIGHTEEN (18) MONTHS IN ORDER FOR THE DEPARTMENT TO DISTRIBUTE THE EXPIRATION DATES OF ALL LICENSES THROUGHOUT THE CALENDAR YEAR. THE FEES FOR THESE LICENSES ARE PRO-RATED ON THE BASIS OF THE PORTION OF THE YEAR FOR WHICH THEY ARE ISSUED. (Section 3-110 of the Act) The pro-rated fee will be as follows:
- 1) Six (6) months to less than twelve (12) months -- \$150.00;
 - 2) Twelve (12) months to eighteen (18) months -- \$200.00.
- (Source: Amended at 15 Ill. Reg. _____, effective _____)
- Section 350.330 Definitions
- The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:
- ABUSE - ANY PHYSICAL OR MENTAL INJURY OR SEXUAL ASSAULT INFLICTED ON A RESIDENT OTHER THAN BY ACCIDENTAL MEANS IN A FACILITY.
(Section 1-103 of the Act)
- ACCESS - THE RIGHT TO:

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ENTER ANY FACILITY;

COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT WHO CONSENTS TO THE COMMUNICATION;

SEEK CONSENT TO COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT;

INSPECT THE CLINICAL AND OTHER RECORDS OF A RESIDENT WITH THE EXPRESS WRITTEN CONSENT OF THE RESIDENT;

OBSERVE ALL AREAS OF THE FACILITY EXCEPT THE LIVING AREA OF ANY RESIDENT WHO PROTESTS THE OBSERVATION. (Section 1-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq.).

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 350.217 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type A or type B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed

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services, and remove barriers to meeting the individual's needs.

AFFILIATE MEANS:

WITH RESPECT TO A PARTNERSHIP, EACH PARTNER THEREOF.

WITH RESPECT TO A CORPORATION, EACH OFFICER, DIRECTOR AND STOCKHOLDER THEREOF.

WITH RESPECT TO A NATURAL PERSON: ANY PERSON RELATED IN THE FIRST DEGREE OF KINSHIP TO THAT PERSON; EACH PARTNERSHIP AND EACH PARTNER THEREOF OF WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS A PARTNER; AND EACH CORPORATION IN WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS AN OFFICER, DIRECTOR OR STOCKHOLDER. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

APPLICANT - ANY PERSON MAKING APPLICATION FOR A LICENSE. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Autism - A syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior;

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many children with autism will also be seriously impaired in general intellectual functioning; Mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a charge nurse is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Community Living Facility - see Facility, Community Living.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

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Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse. Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and seclusion.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 2301 et seq.).

Department - as used in this Part means the Illinois Department of Public Health.

Developmentally Disabled - those individuals whose disability is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other pathological conditions which generally originate before such individuals attain age 18, and which continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.

Developmental Disabilities (DD) Aide - any person who provides nursing, personal or rehabilitative care to residents of Intermediate Care Facilities for the Developmentally Disabled, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to DD aides include, but are not limited to, Program Aides, Program Technicians and Habilitation Aides. DD Aides must function under the supervision of a licensed nurse or a Qualified Mental Retardation Professional (QMRP).

Developmental Disability - a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairment or combination of mental and physical impairments;

is manifest before age 22;

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is likely to continue indefinitely;

results in substantial functional limitations in three or more of the following areas of major life activities:

self-care;

receptive and expressive language;

learning;

mobility;

self-direction;

capacity for independent living; and

economic self-sufficiency; and

reflects the persons' needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of life-long or extended duration and individually planned and coordinated.

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate of a Department-approved course that provides 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and

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nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Supervision - means that work is performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

DIRECTOR - THE DIRECTOR OF PUBLIC HEALTH OR HIS DESIGNEE.
(Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

DISCHARGE - THE FULL RELEASE OF ANY RESIDENT FROM A FACILITY.
(Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility.

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Equivalent of a Graduate Licensed Practical Nurse - a licensed practical nurse, licensed by waiver who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services shall be considered the equivalent of a licensed practical nurse who is a graduate of an approved school of practical nursing for the purposes of this Part.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any

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other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Community Living - a place of residence as limited in these standards for between five and 80 ambulatory adults who are mildly or moderately mentally retarded with a potential for being absorbed into the mainstream of community life.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in this Part is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled. Facilities with any number less than 50 percent of developmentally disabled residents, who are determined by the Department with consultation from the Division of Developmental Disabilities, Illinois Department of Mental Health and Developmental Disabilities to need organized social support and training programs, must comply with the program requirements in this Part ~~these minimum~~ Standards.

FACILITY OR LONG-TERM CARE FACILITY - A PRIVATE HOME, INSTITUTION, BUILDING, RESIDENCE, OR ANY OTHER PLACE, WHETHER OPERATED FOR PROFIT OR NOT, OR A COUNTY HOME FOR THE INFIRM AND CHRONICALLY ILL OPERATED PURSUANT TO THE COUNTY HOME ACT (111. Rev. Stat. 1989, ch. 34, par. 5361 et seq.), AS NOW OR HEREFTER AMENDED, OR BY A COUNTY PURSUANT TO "AN ACT IN RELATION TO HOMES FOR THE AGED" (111. Rev. Stat. 1989, ch. 34, par. 3561 et seq.) AS NOW OR HEREFTER AMENDED, OR ANY SIMILAR INSTITUTION OPERATED BY A POLITICAL SUBDIVISION OF THE STATE OF ILLINOIS, WHICH PROVIDES, THROUGH ITS OWNERSHIP OR MANAGEMENT, PERSONAL CARE, SHELTERED CARE OR NURSING FOR THREE OR MORE PERSONS, NOT RELATED TO THE APPLICANT OR OWNER BY BLOOD OR MARRIAGE. IT INCLUDES SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES AS THOSE TERMS ARE DEFINED IN TITLE XVIII AND TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C.A. 1395 et seq. and 1396 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "FACILITY" DOES NOT INCLUDE THE FOLLOWING:

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A HOME, INSTITUTION, OR OTHER PLACE OPERATED BY THE FEDERAL GOVERNMENT OR AGENCY THEREOF, OR BY THE STATE OF ILLINOIS;

A HOSPITAL, SANITARIUM, OR OTHER INSTITUTION WHOSE PRINCIPAL ACTIVITY OR BUSINESS IS THE DIAGNOSIS, CARE, AND TREATMENT OF HUMAN ILLNESS THROUGH THE MAINTENANCE AND OPERATION OF ORGANIZED FACILITIES THEREFORE, WHICH IS REQUIRED TO BE LICENSED UNDER THE HOSPITAL LICENSING ACT (111. Rev. Stat. 1989, ch. 111 1/2, par. 142 et seq.) AS NOW OR HEREFTER AMENDED;

ANY "FACILITY FOR CHILD CARE" AS DEFINED IN THE CHILD CARE ACT OF 1969 (111. Rev. Stat. 1989, ch. 23, par. 2211 et seq.) AS NOW OR HEREFTER AMENDED; OR

ANY NURSING HOME OR SANATORIUM OPERATED SOLELY BY AND FOR PERSONS WHO RELY EXCLUSIVELY UPON TREATMENT BY SPIRITUAL MEANS THROUGH PRAYER, IN ACCORDANCE WITH THE CREED OR TENETS OF ANY WELL-RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION. HOWEVER, SUCH NURSING HOME OR SANATORIUM SHALL COMPLY WITH ALL LOCAL LAWS AND RULES RELATING TO SANITATION AND SAFETY. (Section 1-113 of the Act)

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two month period of time.

Full-time - means on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

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GUARDIAN - A PERSON APPOINTED AS A GUARDIAN OF THE PERSON OR GUARDIAN OF THE ESTATE, OR BOTH, OF A RESIDENT UNDER THE PROBATE ACT OF 1975 (Ill. Rev. Stat. 1989, ch. 110 1/2, par. 1-1 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not for profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of 1985, as heretofore or hereafter amended (Ill. Rev. Stat. 1989, ch. 32, par. 101.01 et seq.); or, by a county pursuant to "AN ACT in relation to homes for the aged", as heretofore or hereafter amended (Ill. Rev. Stat. 1989, ch. 34, par. 3561 et seq.); or, pursuant to a trust or endowment established for nonprofit, charitable purposes, and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

House Manager - a qualified person on duty 40 hours a week managing the Community Living Facility and responsible for its operation and its inhabitants.

Individual Educational Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of

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the Life Safety Code, National Fire Protection Association (198567 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for The Developmentally Disabled (ICF/DD-s) at least one member of the team shall be a Qualified Mental Retardation Professional.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act (Ill. Rev. Stat. 1989, ch. 111, pars. 3651 et seq.), as now or hereafter amended.

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

LICENSEE - THE PERSON OR ENTITY LICENSED TO OPERATE THE FACILITY AS PROVIDED UNDER THE ACT. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

MAINTENANCE - FOOD, SHELTER, AND LAUNDRY SERVICES. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the

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resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Mobile Resident - any resident who is able to move about either independently or with the aid of assistive devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

NEGLECT - A FAILURE IN A FACILITY TO PROVIDE ADEQUATE MEDICAL OR PERSONAL CARE OR MAINTENANCE, WHICH FAILURE RESULTS IN PHYSICAL OR MENTAL INJURY TO A RESIDENT OR IN THE DETERIORATION OF A RESIDENT'S PHYSICAL OR MENTAL CONDITION. (Section 1-117 of the Act)

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

NURSE - A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE AS DEFINED IN THE ILLINOIS NURSING ACT OF 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 3501 et seq.) AS NOW OR HEREFTER AMENDED. (Section 1-118 of the Act)

Nursing Assistant - Any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician.

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Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable distinct part of a facility consisting of all the beds within the distinct part, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered with the Department of Professional Regulation as an occupational therapist under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 3701 et seq.).

Occupational Therapy Assistant - a person who is registered with the Department of Professional Regulation as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Oversight - general watchfulness and appropriate action to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

OWNER - THE INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER PERSON WHO OWNS A FACILITY. IN THE EVENT A FACILITY IS OPERATED BY A PERSON WHO LEASES THE PHYSICAL PLANT, WHICH IS OWNED BY ANOTHER PERSON, "OWNER" MEANS THE PERSON WHO OPERATES THE FACILITY, EXCEPT THAT IF THE PERSON WHO OWNS THE PHYSICAL PLANT IS AN AFFILIATE OF THE PERSON WHO OPERATES THE FACILITY AND HAS SIGNIFICANT CONTROL OVER THE DAY-TO-DAY OPERATIONS OF THE FACILITY, THE PERSON WHO OWNS THE PHYSICAL PLANT SHALL INCUR JOINTLY AND SEVERALLY WITH THE OWNER ALL LIABILITIES IMPOSED ON AN OWNER UNDER THE ACT. (Section 1-119 of

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the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

PERSONAL CARE - ASSISTANCE WITH MEALS, DRESSING, MOVEMENT, BATHING, OR OTHER PERSONAL NEEDS, OR GENERAL SUPERVISION AND OVERSIGHT OF THE PHYSICAL AND MENTAL WELL-BEING OF AN INDIVIDUAL, EXCLUSIVE OF NURSING, WHO BECAUSE OF AGE, PHYSICAL OR MENTAL DISABILITY, EMOTIONAL OR BEHAVIOR DISORDER, OR MENTAL RETARDATION IS INCAPABLE OF MAINTAINING A PRIVATE, INDEPENDENT RESIDENCE, OR WHO IS INCAPABLE OF MANAGING HIS PERSON WHETHER OR NOT A GUARDIAN HAS BEEN APPOINTED. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 4121 et seq.).

Physical Therapy Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered with the Department of Professional Regulation as a physical therapist under the Illinois Physical Therapy Act (Ill. Rev. Stat. 1989, ch. 111 par. 4251 et seq.).

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the Medical Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 4400-1 et seq.).

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Program Coordinator - a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed by the Illinois Department of Professional Regulation to practice clinical psychology under the

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Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1989, ch. 111, par. 5351 et seq.).

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered or certified by the State of Illinois, if required.

REASONABLE VISITING HOURS - ANY TIME BETWEEN THE HOURS OF 10 A.M. AND 8 P.M. DAILY. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license from the Illinois Department of Professional Regulation to practice as a registered professional nurse under the Illinois Nursing Act of 1987.

REPEAT VIOLATION - A VIOLATION THAT HAS BEEN CITED DURING ONE INSPECTION OF THE FACILITY FOR WHICH A SUBSEQUENT INSPECTION INDICATES THAT AN ACCEPTED PLAN OF CORRECTION WAS NOT COMPLIED WITH, within a period of not more than twelve months from the issuance of the initial violation. A REPEAT VIOLATION SHALL NOT BE A NEW CITATION OF THE SAME RULE, UNLESS THE LICENSEE IS NOT SUBSTANTIALLY ADDRESSING THE ISSUE ROUTINELY THROUGHOUT THE FACILITY. (Section 3-305 of the Act)

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors

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involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

RESIDENT - PERSON RESIDING IN AND RECEIVING PERSONAL CARE FROM A FACILITY. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

RESIDENT'S REPRESENTATIVE - A PERSON OTHER THAN THE OWNER, OR AN AGENT OR EMPLOYEE OF A FACILITY NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint of a Resident - the application of a device to limit movements.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails, geriatric or adaptive chairs, a wide band, vest or sheet applied to prevent falling out of a bed or chair, and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident in a room which the resident cannot open.

Self Preservation - the ability to follow directions and recognize

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impending danger or emergency situations and react by avoiding or leaving the unsafe area.

SHELTERED CARE - MAINTENANCE AND PERSONAL CARE. (Section 1-124 of the Act)

Social Worker, Qualified - a person who:

is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 6351 et seq.); and is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs); and has one year of social work experience in a health care setting.

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

STOCKHOLDER OF A CORPORATION - ANY PERSON WHO, DIRECTLY OR INDIRECTLY, BENEFICIALLY OWNS, HOLDS OR HAS THE POWER TO VOTE, AT LEAST FIVE PERCENT OF ANY CLASS OF SECURITIES ISSUED BY THE CORPORATION. (Section 1-125 of the Act)

Story - when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

STUDENT INTERN - MEANS ANY PERSON WHOSE TOTAL TERM OF EMPLOYMENT IN ANY FACILITY DURING ANY 12-MONTH PERIOD IS EQUAL TO OR LESS THAN 90 CONTINUOUS DAYS, AND WHOSE TERM OF EMPLOYMENT IS EITHER:

AN ACADEMIC CREDIT REQUIREMENT IN A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, OR

IMMEDIATELY SUCCEEDS A FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, PROVIDED THAT SUCH PERSON IS REGISTERED FOR ANOTHER FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION WHICH QUARTER, SEMESTER OR TRIMESTER WILL COMMENCE IMMEDIATELY FOLLOWING THE TERM OF EMPLOYMENT. (Section 1-125.1 of the Act)

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Substantial - meeting requirements except for variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 350.280(q)(3), 350.280(k)(2) and 350.280(k)(4).

Substantial failure - the failure to meet requirements other than a variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 350.180(b)(1) and 350.260(f).

Sufficient - Same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in regulations, the supervisor must be on the premises if the person does not meet assistant level (two year training program) qualifications specified in these definitions.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

TITLE XVIII - TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREFTER AMENDED. (Section 1-126 of the Act)

TITLE XIX - TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREFTER AMENDED. (Section 1-127 of the Act)

TRANSFER - A CHANGE IN STATUS OF A RESIDENT'S LIVING ARRANGEMENTS FROM ONE FACILITY TO ANOTHER FACILITY. (Section 1-128 of the Act)

TYPE A VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM TO A RESIDENT WILL RESULT THEREFROM. (Section 1-129 of the Act)

TYPE B VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED

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THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area, in Community Living Facilities consisting of not less than five nor more than 20 beds, and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective regulations governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS1) Heading of the Part:

Long-Term Care for Under Age 22 Facilities Code

2) Code Citation:

77 Ill. Adm. Code 390

3) Section Numbers:390.120
390.330Proposed Action:Amendments
Amendments4) Statutory Authority:Nursing Home Care Act
Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq.5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 390 govern the licensure of facilities that provide long-term care for persons under age 22. These proposed amendments address issues encountered by the Department in the enforcement of the rules.

Section 390.120(g) - The Department is amending the requirements for application for licensure to implement Section 3-110 of the Nursing Home Care Act, which states that "The Director may issue licenses or renewals for periods of not less than 6 months nor more than 18 months in order to distribute the expiration dates of such licenses throughout the calendar year, and fees for such licenses shall be prorated on the basis of the portion of the year for which they are issued." The proposed language explains how licenses will be issued so as to distribute the expiration dates throughout the calendar year. The amendment also sets forth the fee schedule.

Section 390.330 - The Department is adding a definition of the term "repeat violation," which is used to refer to a violation for which an accepted plan of correction was not complied with.

Statutory citations have been updated to the 1989 Illinois Revised Statutes.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

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If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?Yes ☐ No ☒If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐9) Are there any other Proposed Amendments Pending on this Part?Yes ☐ No ☒10) Statement of Statewide Policy Objectives:

This rulemaking neither creates nor expands a state mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

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B) Type of Small Businesses Affected:

Long-term care facilities for persons under age 22.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

D) Types of Professional Skills Necessary for Compliance:

None.

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 390
LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
390.110	General Requirements
390.120	Application for License
390.130	Licensee
390.140	Issuance of an Initial License for a New Facility
390.150	Issuance of an Initial License Due to a Change of Ownership
390.160	Issuance of a Renewal License
390.165	Criteria for Adverse Licensure Actions
390.170	Denial of Initial License
390.175	Denial of Renewal of License
390.180	Revocation of License
390.190	Experimental Program Conflicting With Requirements
390.200	Inspections, Surveys, Evaluations and Consultation
390.210	Filing an Annual Attested Financial Statement
390.220	Information to Be Made Available to the Public by the Department
390.230	Information to Be Made Available to the Public By the Licensee
390.240	Municipal Licensing
390.250	Ownership Disclosure
390.260	Issuance of Conditional Licenses
390.270	Monitor and Receivership
390.272	Determination to Issue a Notice of Violation or Administrative Warning
390.274	Determination of the Level of a Violation
390.276	Notice of Violation
390.277	Administrative Warning
390.278	Plans of Correction
390.280	Reports of Correction
390.282	Conditions for Assessment of Penalties
390.284	Calculation of Penalties
390.286	Determination to Assess Penalties
390.288	Reduction or Waiver of Penalties
390.290	Quarterly List of Violators
390.300	Alcoholism Treatment Programs in Long-Term Care Facilities
390.310	Department May Survey Facilities Formerly Licensed
390.320	Waivers
390.330	Definitions
300.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

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390.500 Administrator

SUBPART C: POLICIES

- 390.610 Management Policies
- 390.620 Resident Care Policies
- 390.630 Admission and Discharge Policies
- 390.640 Contract Between Resident and Facility
- 390.650 Residents' Advisory Council
- 390.660 General Policies
- 390.670 Personnel Policies
- 390.675 Initial Health Evaluation for Employees
- 390.680 Nurse Aide/Orderly Training Program
- 390.690 Disaster Preparedness
- 390.700 Serious Incidents and Accidents

SUBPART D: PERSONNEL

- 390.810 General
- 390.820 Categories of Personnel
- 390.830 Consultation Services

SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

- 390.1010 Service Programs
- 390.1020 Medical Services
- 390.1030 Physician Services
- 390.1035 Tuberculin Skin Test Procedures
- 390.1040 Nursing Services
- 390.1050 Dental Care Services
- 390.1060 Physical and Occupational Therapy Services
- 390.1070 Psychological Services
- 390.1080 Social Services
- 390.1090 Speech Pathology and Audiology Services
- 390.1100 Recreational and Activity Services
- 390.1110 Educational Services
- 390.1120 Work Activity and Prevocational Training Services

SUBPART F: RESTRAINTS AND SAFETY DEVICES, BEHAVIOR MANAGEMENT, AND BEHAVIOR EMERGENCIES

- 390.1310 Restraints and Safety Devices
- 390.1320 Behavior Management
- 390.1330 Behavior Emergencies

SUBPART G: MEDICATIONS

- 390.1410 Medication Policies and Procedures

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- 390.1420 Conformance with Physician's Orders
- 390.1430 Administration of Medication
- 390.1440 Labeling and Storage of Medications
- 390.1450 Control of Narcotics and Legend Drugs

SUBPART H: RESIDENT AND FACILITY RECORDS

- 390.1610 Resident Record Requirements
- 390.1620 Content of Medical Records
- 390.1630 Confidentiality of Resident's Records
- 390.1640 Records Pertaining to Residents' Property
- 390.1650 Retention and Transfer of Resident Records
- 390.1660 Other Resident Record Requirements
- 390.1670 Staff Responsibility for Medical Records
- 390.1680 Retention of Facility Records
- 390.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

- 390.1810 Director of Food Services
- 390.1820 Dietary Staff in Addition to Director of Food Services
- 390.1830 Hygiene of Dietary Staff
- 390.1840 Diet Orders
- 390.1850 Adequacy of Diet and Meal Pattern
- 390.1860 Infant and Therapeutic Diets
- 390.1870 Scheduling Meals
- 390.1880 Menu Planning
- 390.1890 Food Preparation and Service
- 390.1900 Preparation of Infant Formula
- 390.1910 Food Handling Sanitation
- 390.1920 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

- 390.2010 Maintenance
- 390.2020 Housekeeping
- 390.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

- 390.2210 Furnishings
- 390.2220 Equipment and Supplies
- 390.2230 Sterilization of Supplies and Equipment

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

- 390.2410 Codes
- 390.2420 Water Supply

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390.2430 Sewage Disposal
390.2440 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

390.2610 Applicability of these Standards
390.2620 Codes and Standards
390.2630 Preparation of Drawings and Specifications
390.2640 Site
390.2650 Administration and Public Areas
390.2660 Nursing Unit
390.2670 Dining, Play, Activity/Program Rooms
390.2680 Therapy and Personal Care
390.2690 Service Departments
390.2700 General Building Requirements
390.2710 Structural
390.2720 Mechanical Systems
390.2730 Plumbing Systems
390.2740 Electrical Systems

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

390.2910 Applicability
390.2920 Codes and Standards
390.2930 Preparation of Drawings and Specifications
390.2940 Site
390.2950 Administration and Public Areas
390.2960 Nursing Unit
390.2970 Play, Dining, Activity/Program Rooms
390.2980 Treatment and Personal Care
390.2990 Service Department
390.3000 General Building Requirements
390.3010 Structural
390.3020 Mechanical Systems
390.3030 Plumbing Systems
390.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

390.3210 General
390.3220 Medical and Personal Care Program
390.3230 Restraints
390.3240 Abuse and Neglect
390.3250 Communication and Visitation
390.3260 Resident's Funds
390.3270 Residents' Advisory Council
390.3280 Contract With Facility
390.3290 Private Right of Action

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390.3300 Transfer or Discharge
390.3310 Complaint Procedures
390.3320 Confidentiality
390.3330 Facility Implementation

SUBPART P: DAY CARE PROGRAMS

390.3510 Day Care in Long-Term Care Facilities

APPENDIX A Interpretation and Illustrative Services for Long-Term Care

Facility for Residents Under 22 Years of Age
Forms for Day Care in Long-Term Care Facilities

TABLE A Infant Feeding

Daily Nutritional Requirements By Age Group

TABLE B Sound Transmissions Limitations

Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age

TABLE E Sprinkler Requirements

Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq.).

SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989; amended at 14 Ill. Reg. 14904, effective October 1, 1990; amended at 15 Ill. Reg. 1878, effective January 1, 1991; amended at 15 Ill. Reg. _____, effective _____.

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NOTE: Italics and capitalization denote statutory language.

Section 390.120 Application for License

- a) Any person acting individually or jointly with other persons who proposes to build, own, establish, or operate an intermediate care facility, or skilled nursing facility shall submit pre-application information on forms provided by the Department. The Department shall be furnished a written description of the proposed program to be provided, and other such information as it may require in order to determine the appropriate level of care for which the facility should be licensed. The pre-application form and other required information shall be submitted and approved prior to surveys of the physical plant or review of building plans and specifications.

- b) A pre-application for a new facility shall be accompanied by a permit as required by the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1989^{1/2}, ch. 111 1/2, par. 1151 et seq.).

- c) APPLICATION FOR A LICENSE TO ESTABLISH OR OPERATE AN INTERMEDIATE CARE FACILITY, OR SKILLED NURSING FACILITY SHALL BE MADE IN WRITING AND SUBMITTED, WITH OTHER SUCH INFORMATION AS THE DEPARTMENT MAY REQUIRE, ON FORMS PROVIDED BY THE DEPARTMENT. (Section 3-103(1) of the Act)

- d) ALL APPLICATIONS, EXCEPT THOSE OF HOMES FOR THE AGED, SHALL BE ACCOMPANIED BY AN APPLICATION FEE OF 200 DOLLARS. THE APPLICATION SHALL BE UNDER OATH AND THE SUBMISSION OF FALSE OR MISLEADING INFORMATION SHALL BE A CLASS A MISDEMEANOR. THE APPLICATION SHALL CONTAIN THE FOLLOWING INFORMATION:

- 1) THE NAME AND ADDRESS OF THE APPLICANT IF AN INDIVIDUAL, AND IF A FIRM, PARTNERSHIP, OR ASSOCIATION, OF EVERY MEMBER THEREOF, AND IN THE CASE OF A CORPORATION, THE NAME AND ADDRESS THEREOF AND OF ITS OFFICERS AND ITS REGISTERED AGENT, AND IN THE CASE OF A UNIT OF LOCAL GOVERNMENT, THE NAME AND ADDRESS OF ITS CHIEF EXECUTIVE OFFICER;
- 2) THE NAME AND LOCATION OF THE FACILITY FOR WHICH A LICENSE IS SOUGHT;
- 3) THE NAME OF THE PERSON OR PERSONS UNDER WHOSE MANAGEMENT OR SUPERVISION THE FACILITY WILL BE CONDUCTED;
- 4) THE NUMBER AND TYPE OF RESIDENTS FOR WHICH MAINTENANCE, PERSONAL CARE, OR NURSING IS TO BE PROVIDED; AND
- 5) SUCH INFORMATION RELATING TO THE NUMBER, EXPERIENCE, AND

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TRAINING OF THE EMPLOYEES OF THE FACILITY, ANY MANAGEMENT AGREEMENTS FOR THE OPERATION OF THE FACILITY, AND OF THE MORAL CHARACTER OF THE APPLICANT AND EMPLOYEES AS THE DEPARTMENT MAY DEEM NECESSARY. (Section 3-103(2) of the Act)

- e) Ownership Change or Discontinuation

- 1) The license is not transferable. It is issued to a specific licensee and for a specific location. The license and the valid current renewal certificate immediately become void and shall be returned to the Department when the facility is sold, or leased; or when operation is discontinued; or when operation is moved to a new location; or when the licensee (if an individual) dies; or when the licensee (if a corporation or partnership) dissolves or terminates; or when the licensee (whatever the entity) ceases to be.

- 2) A license issued to a corporation shall become null, void and of no further effect upon the dissolution of the corporation. The license shall not be revived if the corporation is subsequently reinstated. A new license must be obtained in such cases.

- f) EACH INITIAL APPLICATION SHALL BE ACCOMPANIED BY A FINANCIAL STATEMENT SETTING FORTH THE FINANCIAL CONDITION OF THE APPLICANT AND BY A STATEMENT FROM THE UNIT OF LOCAL GOVERNMENT HAVING ZONING JURISDICTION OVER THE FACILITY'S LOCATION STATING THAT THE LOCATION OF THE FACILITY IS NOT IN VIOLATION OF A ZONING ORDINANCE. AN INITIAL APPLICATION FOR A NEW FACILITY SHALL BE ACCOMPANIED BY A PERMIT AS REQUIRED BY THE ILLINOIS HEALTH FACILITIES PLANNING ACT. AFTER THE APPLICATION IS APPROVED, THE APPLICANT SHALL ADVISE THE DEPARTMENT EVERY SIX MONTHS OF ANY CHANGES IN THE INFORMATION ORIGINALLY PROVIDED IN THE APPLICATION. (Section 3-103(3) of the Act)

- g) Licenses may be issued FOR PERIODS OF NOT LESS THAN SIX (6) MONTHS NOR MORE THAN EIGHTEEN (18) MONTHS IN ORDER FOR THE DEPARTMENT TO DISTRIBUTE THE EXPIRATION DATES OF ALL LICENSES THROUGHOUT THE CALENDAR YEAR. THE FEES FOR THESE LICENSES ARE PRO-RATED ON THE BASIS OF THE PORTION OF THE YEAR FOR WHICH THEY ARE ISSUED. (Section 3-110 the Act) The pro-rated fee will be as follows:

- 1) Six (6) months to less than twelve (12) months -- \$150.00;
- 2) Twelve (12) months to eighteen (18) months -- \$200.00.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 390.330 Definitions

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The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

ABUSE - ANY PHYSICAL OR MENTAL INJURY OR SEXUAL ASSAULT INFLICTED ON A RESIDENT OTHER THAN BY ACCIDENTAL MEANS IN A FACILITY.
(Section 4151-103 of the Act)

ACCESS - THE RIGHT TO:

ENTER ANY FACILITY;

COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT WHO CONSENTS TO THE COMMUNICATION;

SEEK CONSENT TO COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT;

INSPECT THE CLINICAL AND OTHER RECORDS OF A RESIDENT WITH THE EXPRESS WRITTEN CONSENT OF THE RESIDENT;

OBSERVE ALL AREAS OF THE FACILITY EXCEPT THE LIVING AREA OF ANY RESIDENT WHO PROTESTS THE OBSERVATION. (Section 3-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq.).

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 390.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in

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the facility violates the Act or the Department's rules, but is not a type A or type B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

AFFILIATE MEANS:

WITH RESPECT TO A PARTNERSHIP, EACH PARTNER THEREOF.

WITH RESPECT TO A CORPORATION, EACH OFFICER, DIRECTOR AND STOCKHOLDER THEREOF.

WITH RESPECT TO A NATURAL PERSON: ANY PERSON RELATED IN THE FIRST DEGREE OF KINSHIP TO THAT PERSON; EACH PARTNERSHIP AND EACH PARTNER THEREOF OF WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS A PARTNER; AND EACH CORPORATION IN WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS AN OFFICER, DIRECTOR OR STOCKHOLDER. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

APPLICANT - ANY PERSON MAKING APPLICATION FOR A LICENSE.
(Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

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Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Autism - A syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a charge nurse is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

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Child Care/Habilitation Aide - any person who provides nursing, personal or rehabilitative care to residents of licensed Long-Term Care Facilities for Persons Under 22 Years of Age, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render such care. Child Care/Habilitation aides must function under the supervision of a licensed nurse.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Community Living Facility - see Facility, Community Living.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse. Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and seclusion.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 2301 et seq.).

Department - as used in this Part means the Illinois Department of Public Health.

Developmentally Disabled - those individuals whose disability is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other pathological conditions which generally originate before such individuals attain age 18, and which continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.

Developmental Disability - a severe, chronic disability of a person which:

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is attributable to a mental or physical impairment or combination of mental and physical impairment or combination of mental and physical impairments;

is manifest before age 22;

is likely to continue indefinitely;

results in substantial functional limitations in three or more of the following areas of major life activities:

self-care;

receptive and expressive language;

learning;

mobility;

self-direction;

capacity for independent living; and

economic self-sufficiency; and

reflects the persons's needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of life-long or extended duration and individually planned and coordinated.

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate of a Department-approved course that provides 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

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Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Supervision - means that work is performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

DIRECTOR - THE DIRECTOR OF PUBLIC HEALTH OR HIS DESIGNEE.
(Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

DISCHARGE - THE FULL RELEASE OF ANY RESIDENT FROM A FACILITY.
(Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility.

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Equivalent of a Graduate Licensed Practical Nurse - a licensed practical nurse, licensed by waiver who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services shall be considered the equivalent of a licensed

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practical nurse who is a graduate of an approved school of practical nursing for the purposes of this Part.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Community Living - a place of residence as limited in these standards for between five and 80 ambulatory adults who are mildly or moderately mentally retarded with a potential for being absorbed into the mainstream of community life.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in this Part is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled. Facilities with any number less than 50 percent of developmentally disabled residents, who are determined by the Department with consultation from the Division of Developmental Disabilities, Illinois Department of Mental Health and Developmental Disabilities, to need organized social support and training programs, must comply with the program requirements in this Part ~~these minimum Standards~~.

FACILITY OR LONG-TERM CARE FACILITY - A PRIVATE HOME, INSTITUTION, BUILDING, RESIDENCE, OR ANY OTHER PLACE, WHETHER OPERATED FOR PROFIT OR NOT, OR A COUNTY HOME FOR THE INFIRM AND CHRONICALLY ILL OPERATED PURSUANT TO THE COUNTY HOME ACT (111. Rev. Stat. 1989, ch. 34, par. 5361 et seq.), AS NOW OR HEREAFTER AMENDED, OR BY A COUNTY PURSUANT TO "AN ACT IN RELATION TO HOMES FOR THE AGED" (111. Rev. Stat. 1989, ch. 34, par. 3561 et seq.) as now or hereafter amended, OR ANY SIMILAR INSTITUTION OPERATED BY A POLITICAL SUBDIVISION OF THE STATE OF ILLINOIS, WHICH PROVIDES, THROUGH ITS OWNERSHIP OR MANAGEMENT, PERSONAL CARE, SHELTERED CARE OR NURSING FOR THREE OR MORE PERSONS, NOT RELATED TO THE APPLICANT OR OWNER BY BLOOD OR MARRIAGE. IT INCLUDES SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES AS THOSE TERMS ARE DEFINED IN TITLE XVIII AND TITLE

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XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "FACILITY" DOES NOT INCLUDE THE FOLLOWING:

A HOME, INSTITUTION, OR OTHER PLACE OPERATED BY THE FEDERAL GOVERNMENT OR AGENCY THEREOF, OR BY THE STATE OF ILLINOIS;

A HOSPITAL, SANITARIUM, OR OTHER INSTITUTION WHOSE PRINCIPAL ACTIVITY OR BUSINESS IS THE DIAGNOSIS, CARE, AND TREATMENT OF HUMAN ILLNESS THROUGH THE MAINTENANCE AND OPERATION AS ORGANIZED FACILITIES THEREFORE, WHICH IS REQUIRED TO BE LICENSED UNDER THE HOSPITAL LICENSING ACT (111. Rev. Stat. 1989, ch. 111 1/2, par. 142 et seq.) AS NOW OR HEREAFTER AMENDED;

ANY "FACILITY FOR CHILD CARE" AS DEFINED IN THE CHILD CARE ACT OF 1969 (111. Rev. Stat. 1989, ch. 23, par. 2211 et seq.) AS NOW OR HEREAFTER AMENDED; OR

ANY NURSING HOME OR SANATORIUM OPERATED SOLELY BY AND FOR PERSONS WHO RELY EXCLUSIVELY UPON TREATMENT BY SPIRITUAL MEANS THROUGH PRAYER, IN ACCORDANCE WITH THE CREED OR TENETS OF ANY WELL-RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION. HOWEVER, SUCH NURSING HOME OR SANATORIUM SHALL COMPLY WITH ALL LOCAL LAWS AND RULES RELATING TO SANITATION AND SAFETY. (Section 1-113 of the Act)

Facility, Long-Term Care, for Residents Under 22 Years of Age - when used in these standards is synonymous with a long-term care facility for residents under 22 years of age, which facility provides total rehabilitative health care to residents who require specialized treatment, training and continuous nursing care because of medical or developmental disabilities.

Facility, Sheltered Care - when used in this Part is synonymous with a sheltered care facility, which facility provides maintenance, and personal care and oversight.

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

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Financial Responsibility - sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two month period of time.

Full-time - means on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

GUARDIAN - A PERSON APPOINTED AS A GUARDIAN OF THE PERSON OR GUARDIAN OF THE ESTATE OR BOTH, OF A RESIDENT UNDER THE PROBATE ACT OF 1975 (Ill. Rev. Stat. 1989, ch. 110 1/2, par. 1-1 et seq.) AS NOW OR HEREFTER AMENDED. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not for profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of 1986 as heretofore or hereafter amended (Ill. Rev. Stat. 1989, ch. 32, par. 101.01 et seq.); or, by a county pursuant to "AN ACT in relation to homes for the aged" as heretofore or hereafter amended (Ill. Rev. Stat. 1989, ch. 34, par. 3561 et seq.); or, pursuant to a trust or endowment established for nonprofit, charitable purposes, and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as

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an in-patient.

House Manager - a qualified person on duty 40 hours a week managing the Community Living Facility and responsible for its operation and its inhabitants.

Individual Educational Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1985⁶⁷ Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for The Developmentally Disabled (ICF/DD's) at least one member of the team shall be a Qualified Mental Retardation Professional.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act (Ill. Rev. Stat. 1989, ch. 111, par. 3651 et seq.), as now or hereafter amended.

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

LICENSEE - THE PERSON OR ENTITY LICENSED TO OPERATE THE FACILITY AS PROVIDED UNDER THE ACT. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

MAINTENANCE - FOOD, SHELTER, AND LAUNDRY SERVICES. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined

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by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, and wheeled platforms.

Mobile Resident - any resident who is able to move about either independently or with the aid of assistive devices such as walkers, crutches, wheelchairs, and wheeled platforms.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

Multidisciplinary - see Interdisciplinary Team.

NEGLECT - A FAILURE IN A FACILITY TO PROVIDE ADEQUATE MEDICAL OR PERSONAL CARE OR MAINTENANCE, WHICH FAILURE RESULTS IN PHYSICAL OR MENTAL INJURY TO A RESIDENT OR IN THE DETERIORATION OF A RESIDENT'S PHYSICAL OR MENTAL CONDITION. (Section 1-117 of the Act)

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of

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long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

NURSE - A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE AS DEFINED IN THE ILLINOIS NURSING ACT OF 1987 (111. Rev. Stat. 1989, ch. 111, par. 3501 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-118 of the Act)

Nursing Assistant - Any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable distinct part of a facility consisting of all the beds within the distinct part, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered with the Department of Professional Regulation as an occupational therapist under the Illinois Occupational Therapy Practice Act (111. Rev. Stat. 1989, ch. 111, par. 3701 et seq.).

Occupational Therapy Assistant - a person who is registered with the Department of Professional Regulation as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.

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Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Oversight - general watchfulness and appropriate action to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

OWNER - THE INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER PERSON WHO OWNS A FACILITY. IN THE EVENT A FACILITY IS OPERATED BY A PERSON WHO LEASES THE PHYSICAL PLANT, WHICH IS OWNED BY ANOTHER PERSON, "OWNER" MEANS THE PERSON WHO OPERATES THE FACILITY, EXCEPT THAT IF THE PERSON WHO OWNS THE PHYSICAL PLANT IS AN AFFILIATE OF THE PERSON WHO OPERATES THE FACILITY AND HAS SIGNIFICANT CONTROL OVER THE DAY-TO-DAY OPERATIONS OF THE FACILITY, THE PERSON WHO OWNS THE PHYSICAL PLANT SHALL INCUR JOINTLY AND SEVERALLY WITH THE OWNER ALL LIABILITIES IMPOSED ON AN OWNER UNDER THE ACT. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

PERSONAL CARE - ASSISTANCE WITH MEALS, DRESSING, MOVEMENT, BATHING, OR OTHER PERSONAL NEEDS, OR GENERAL SUPERVISION AND OVERSIGHT OF THE PHYSICAL AND MENTAL WELL-BEING OF AN INDIVIDUAL, EXCLUSIVE OF NURSING, WHO BECAUSE OF AGE, PHYSICAL OR MENTAL DISABILITY, EMOTIONAL OR BEHAVIOR DISORDER, OR MENTAL RETARDATION IS INCAPABLE OF MAINTAINING A PRIVATE, INDEPENDENT RESIDENCE, OR WHO IS INCAPABLE OF MANAGING HIS PERSON WHETHER OR NOT A GUARDIAN HAS BEEN APPOINTED. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 4121 et seq.).

Physical Therapy Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered with the Department of Professional Regulation as a physical therapist under the Illinois Physical Therapy Act (Ill. Rev. Stat. 1989, ch. 111 par. 4251 et seq.).

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Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the Medical Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 4400-1 et seq.).

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Program Coordinator - a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed by the Illinois Department of Professional Regulation to practice clinical psychology under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1989, ch. 111, par. 5351 et seq.).

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

REASONABLE VISITING HOURS - ANY TIME BETWEEN THE HOURS OF 10 A.M. AND 8 P.M. DAILY. (Section 1-121 of the Act)

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Registered Nurse - a person with a valid Illinois license from the Illinois Department of Professional Regulation to practice as a registered professional nurse under the Illinois Nursing Act of 1987 (111. Rev. Stat. 1989, ch. 111, par. 3501 et seq.).

REPEAT VIOLATION - A VIOLATION THAT HAS BEEN CITED DURING ONE INSPECTION OF THE FACILITY FOR WHICH A SUBSEQUENT INSPECTION INDICATES THAT AN ACCEPTED PLAN OF CORRECTION WAS NOT COMPLIED WITH, WITHIN A PERIOD OF NOT MORE THAN TWELVE MONTHS FROM THE ISSUANCE OF THE INITIAL VIOLATION. A REPEAT VIOLATION SHALL NOT BE A NEW CITATION OF THE SAME RULE, UNLESS THE LICENSEE IS NOT SUBSTANTIALLY ADDRESSING THE ISSUE ROUTINELY THROUGHOUT THE FACILITY. (Section 3-305 of the Act)

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

RESIDENT - PERSON RESIDING IN AND RECEIVING PERSONAL CARE FROM A FACILITY. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

RESIDENT'S REPRESENTATIVE - A PERSON OTHER THAN THE OWNER, OR AN AGENT OR EMPLOYEE OF A FACILITY NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint - any physical, mechanical, or chemical means, or the use thereof, that restricts movement of the limbs, head, or body of a resident, except when used as a safety device or as part of a medically prescribed procedure for the treatment of an existing physical disorder or the amelioration of a physical or emotional handicap.

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Mechanical restraint is any mechanical device, or use thereof, that so restricts movement.

Physical restraint is the use of personal human force that so restricts movement.

Chemical restraint is the use of any chemical that so restricts movement.

Mechanical supports used to achieve proper body position and balance are not restraints. The partial or total immobilization of a resident for the purpose of performing a medical/surgical procedure is not restraint.

Restriction - the placement of a limitation on a resident's rights, which includes the use of restraints, confinement, aversive stimuli, and time out exceeding 15 minutes at any one time.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails; geriatric or adaptive chairs; a wide band, vest or sheet applied to prevent falling out of a bed or chair; and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident in a room which the resident cannot open.

Self Preservation - the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

SHELTERED CARE - MAINTENANCE AND PERSONAL CARE. (Section 1-124 of the Act)

Social Worker, Qualified - a person who:

is a licensed social worker or a licensed clinical social worker

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under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 6351 et seq.); and

is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs); and

has one year of social work experience in a health care setting.

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

STOCKHOLDER OF A CORPORATION - ANY PERSON WHO, DIRECTLY OR INDIRECTLY, BENEFICIALLY OWNS, HOLDS OR HAS THE POWER TO VOTE, AT LEAST FIVE PERCENT OF ANY CLASS OF SECURITIES ISSUED BY THE CORPORATION. (Section 1-125 of the Act)

Story - when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

STUDENT INTERN - MEANS ANY PERSON WHOSE TOTAL TERM OF EMPLOYMENT IN ANY FACILITY DURING ANY 12-MONTH PERIOD IS EQUAL TO OR LESS THAN 90 CONTINUOUS DAYS, AND WHOSE TERM OF EMPLOYMENT IS EITHER:

AN ACADEMIC CREDIT REQUIREMENT IN A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION; ⁺ OR

IMMEDIATELY SUCCEEDS A FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, PROVIDED THAT SUCH PERSON IS REGISTERED FOR ANOTHER FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION WHICH QUARTER, SEMESTER OR TRIMESTER WILL COMMENCE IMMEDIATELY FOLLOWING THE TERM OF EMPLOYMENT. (Section 1-125.1 of the Act)

Substantial - meeting requirements except for variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 390.280(q)(8), 390.280(k)(2) and 390.280(k)(4).

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Substantial failure - the failure to meet requirements other than a variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 390.180(b)(1) and 390.260(f).

Sufficient - Same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in this Part, the supervisor must be on the premises if the person does not meet assistant level (two year training program) qualifications specified in these definitions.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

TITLE XVIII - TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREAFTER AMENDED. (Section 1-126 of the Act)

TITLE XIX - TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREAFTER AMENDED. (Section 1-127 of the Act)

TRANSFER - A CHANGE IN STATUS OF A RESIDENT'S LIVING ARRANGEMENTS FROM ONE FACILITY TO ANOTHER FACILITY. (Section 1-128 of the Act)

TYPE A VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM TO A RESIDENT WILL RESULT THEREFROM. (Section 1-129 of the Act)

TYPE B VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area, in Community Living Facilities consisting of not less than five nor more than 20

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beds, and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective regulations governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

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1) Heading of the Part:

Sheltered Care Facilities Code

2) Code Citation:

77 Ill. Adm. Code 330

3) Section Numbers:

330.120

330.330

Proposed Action:

Amendments
Amendments

4) Statutory Authority:

Nursing Home Care Act

Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq.

5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 330 govern the licensure of long-term care facilities that provide sheltered care. The proposed amendments address issues encountered by the Department in the enforcement of the rules.

Section 330.120(g) - The Department is amending the requirements for application for licensure to implement Section 3-110 of the Nursing Home Care Act, which states that "the Director may issue licenses or renewals for periods of not less than 6 months nor more than 18 months in order to distribute the expiration dates of such licenses throughout the calendar year, and fees for such licenses shall be prorated on the basis of the portion of the year for which they are issued." The proposed language explains how licenses will be issued so as to distribute the expiration dates throughout the calendar year. The amendment also sets forth the fee schedule.

Section 330.330 - The Department is adding a definition of the term "repeat violation," which is used to refer to a violation for which an accepted plan of correction was not complied with.

Statutory citations have been updated to the 1989 Illinois Revised Statutes.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☐ No ☒

If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☐ No ☒

If Yes:

10) Statement of Statewide Policy Objectives:

This rulemaking neither creates nor expands a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail De Vito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

- B) Type of Small Businesses Affected:
Sheltered Care Facilities
- C) Reporting, Bookkeeping or Other Procedures Required for Compliance:
None.
- D) Types of Professional Skills Necessary for Compliance:
None.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77 PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 330

SHELTERED CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
330.110	General Requirements
330.120	Application for License
330.130	Licensee
330.140	Issuance of an Initial License For a New Facility
330.150	Issuance of an Initial License Due to a Change of Ownership
330.160	Issuance of a Renewal License
330.165	Criteria for Adverse License Actions
330.170	Denial of Initial License
330.175	Denial of Renewal of License
330.180	Revocation of License
330.190	Experimental Program Conflicting With Requirements
330.200	Inspections, Surveys, Evaluations and Consultation
330.210	Filing an Annual Attested Financial Statement
330.220	Information to Be Made Available to the Public By the Department
330.230	Information to Be Made Available to the Public By the Licensee
330.240	Municipal Licensing
330.250	Ownership Disclosure
330.260	Issuance of Conditional Licenses
330.270	Monitor and Receivership
330.272	Determination to Issue a Notice of Violation or Administrative Warning
330.274	Determination of the Level of a Violation
330.276	Notice of Violation
330.277	Administrative Warning
330.278	Plans of Correction
330.280	Reports of Correction
330.282	Conditions for Assessment of Penalties
330.284	Calculation of Penalties
330.286	Determination to Assess Penalties
330.288	Reduction or Waiver of Penalties
330.290	Quarterly List of Violators
330.300	Alcoholism Treatment Programs In Long-Term Care Facilities
330.310	Department May Survey Facilities Formerly Licensed
330.320	Waivers
330.330	Definitions
330.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

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330.510 Administrator

SUBPART C: POLICIES

330.710	Resident Care Policies
330.720	Admission and Discharges Policies
330.730	Contract Between Resident and Facility
330.740	Residents' Advisory Council
330.750	General Policies
330.760	Personnel Policies
330.765	Initial Health Evaluation for Employees
330.770	Disaster Preparedness
330.780	Serious Incidents and Accidents

SUBPART D: PERSONNEL

330.910	Personnel
330.913	Nursing and Personal Care Assistants (Repealed)
330.916	Student Interns
330.920	Consultation Services
330.930	Personnel Policies

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

330.1110	Medical Care Policies
330.1120	Personal Care
330.1130	Communicable Disease Policies
330.1135	Tuberculin Skin Test Procedures
330.1140	Behavior Emergencies

SUBPART F: RESTORATIVE SERVICES

330.1310	Activity Program
330.1320	Work Programs
330.1330	Written Policies for Restorative Services

SUBPART G: MEDICATIONS

330.1510	Medication Policies
330.1520	Administration of Medication
330.1530	Labeling and Storage of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

330.1710	Resident Record Requirements
330.1720	Content of Medical Records
330.1730	Records Pertaining to Residents' Property
330.1740	Retention and Transfer of Resident Records

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- 330.1750 Other Resident Record Requirements
- 330.1760 Retention of Facility Records
- 330.1770 Other Facility Record Requirements
- SUBPART I: FOOD SERVICE
 - 330.1910 Director of Food Services
 - 330.1920 Dietary Staff in Addition to Director of Food Services
 - 330.1930 Hygiene of Dietary Staff
 - 330.1940 Diet Orders
 - 330.1950 Adequacy of Diet and Meal Pattern
 - 330.1960 Therapeutic Diets
 - 330.1970 Scheduling of Meals
 - 330.1980 Menu Planning
 - 330.1990 Food Preparation and Service
 - 330.2000 Food Handling Sanitation
 - 330.2010 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

- 330.2210 Maintenance
- 330.2220 Housekeeping
- 330.2230 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

- 330.2410 Furnishings
- 330.2420 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

- 330.2610 Codes
- 330.2620 Water Supply
- 330.2630 Sewage Disposal
- 330.2640 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

- 330.2810 Applicable Requirements (Repealed)
- 330.2820 Applicability of These Standards
- 330.2830 Submission of a Program Narrative
- 330.2840 New Constructions, Additions, Conversions, and Alterations
- 330.2850 Preparation and Submission of Drawings and Specifications
- 330.2860 First Stage Drawings
- 330.2870 Second Stage Drawings
- 330.2880 Architectural Drawings
- 330.2890 Structural Drawings

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- 330.3000 Mechanical Drawings
- 330.3010 Electrical Drawings
- 330.3020 Additions to Existing Structures
- 330.3030 Specifications
- 330.3040 Building Codes
- 330.3050 Site
- 330.3060 General Building Requirements
- 330.3070 Administration
- 330.3080 Corridors
- 330.3090 Bath and Toilet Rooms
- 330.3100 Living, Dining, Activity Rooms
- 330.3110 Bedrooms
- 330.3120 Special Care Room
- 330.3130 Kitchen
- 330.3140 Laundry
- 330.3150 Housekeeping, Service, and Storage
- 330.3160 Plumbing
- 330.3170 Heating
- 330.3180 Electrical

SUBPART N: FIRE PROTECTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

- 330.3310 Applicable Requirements (Repealed)
- 330.3320 Applicability of These Standards
- 330.3330 Fire Protection
- 330.3340 Fire Department Service and Water Supply
- 330.3350 General Building Requirements
- 330.3360 Exit Facilities and Subdivision of Floor Areas
- 330.3370 Stairways, Vertical Openings, and Doorways
- 330.3380 Corridors
- 330.3390 Exit Lights and Directional Signs
- 330.3400 Hazardous Areas and Combustible Storage
- 330.3410 Fire Alarm and Detection System
- 330.3420 Fire Extinguishers, Electric Wiring, and Miscellaneous
- 330.3430 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING SHELTERED CARE FACILITIES

- 330.3610 Site
- 330.3620 General Building Requirements
- 330.3630 Administration
- 330.3640 Corridors
- 330.3650 Bath and Toilet Rooms
- 330.3660 Living, Dining, and Activity Rooms
- 330.3670 Bedrooms
- 330.3680 Special Care Room
- 330.3690 Kitchen

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330.3700 Laundry Room
 330.3710 Housekeeping and Service Rooms and Storage Space
 330.3720 Plumbing and Heating
 330.3730 Electrical

SUBPART P: FIRE PROTECTION STANDARDS FOR EXISTING SHELTERED CARE FACILITIES

330.3910 Fire Protection
 330.3920 Fire Department Service and Water Supply
 330.3930 Occupancy and Fire Areas
 330.3940 Exit Facilities and Subdivision of Floor Areas
 330.3950 Stairways, Vertical Openings, and Doorways
 330.3960 Exit and Fire Escape Lights and Directional Signs
 330.3970 Hazardous Areas and Combustible Storage
 330.3980 Fire Alarm and Detection System
 330.3990 Fire Extinguishers, Electric Wiring, and Miscellaneous
 330.4000 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART Q: RESIDENT'S RIGHTS

330.4210 General
 330.4220 Medical and Personal Care Program
 330.4230 Restraints
 330.4240 Abuse and Neglect
 330.4250 Communication and Visitation
 330.4260 Resident's Funds
 330.4270 Residents' Advisory Council
 330.4280 Contract With Facility
 330.4290 Private Right of Action
 330.4300 Transfer or Discharge
 330.4310 Complaint Procedures
 330.4320 Confidentiality
 330.4330 Facility Implementation

SUBPART R: DAY CARE PROGRAMS

330.4510 Day Care in Long-Term Care Facilities

APPENDIX A Interpretation, Components, and Illustrative Services for Sheltered Care Facilities

APPENDIX B Classification of Distinct Part of a Facility For Different Levels of Service

APPENDIX C Forms for Day Care in Long-Term Care Facilities

APPENDIX D Criteria for Activity Directors Who Need Only Minimal Consultation

TABLE A Disaster Preparedness Parameters--Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill.

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Rev. Stat. 1989, ch. 111 1/2, pars. 4151-101 et seq.), as amended by Public Act 86-1198, effective October 1, 1990.

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991; amended at 15 Ill. Reg. _____, effective _____.

NOTE: Italics and capitalization denote statutory language.

Section 330.120 Application for License

- a) Any person acting individually or jointly with other persons who proposes to build, own, establish, or operate an intermediate care facility, or skilled nursing facility shall submit pre-application information on forms provided by the Department. The Department shall be furnished a written description of the proposed program to be provided, and other such information as it may require in order to determine the appropriate level of care for which the facility should be licensed. The pre-application form and other required information shall be submitted and approved prior to surveys of the physical plant or review of building plans and specifications.
- b) A pre-application for a new facility shall be accompanied by a permit as required by the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1989², ch. 111 1/2, par. 1151 et seq.).
- c) APPLICATION FOR A LICENSE TO ESTABLISH OR OPERATE AN INTERMEDIATE CARE FACILITY, OR SKILLED NURSING FACILITY SHALL BE MADE IN WRITING AND SUBMITTED, WITH OTHER SUCH INFORMATION AS THE DEPARTMENT MAY REQUIRE, ON FORMS PROVIDED BY THE DEPARTMENT. (Section 3-103(1) of the Act)

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d) ALL APPLICATIONS, EXCEPT THOSE OF HOMES FOR THE AGED, SHALL BE ACCOMPANIED BY AN APPLICATION FEE OF 200 DOLLARS. THE APPLICATION SHALL BE UNDER OATH AND THE SUBMISSION OF FALSE OR MISLEADING INFORMATION SHALL BE A CLASS A MISDEMEANOR. THE APPLICATION SHALL CONTAIN THE FOLLOWING INFORMATION:

- 1) THE NAME AND ADDRESS OF THE APPLICANT IF AN INDIVIDUAL, AND IF A FIRM, PARTNERSHIP, OR ASSOCIATION, OF EVERY MEMBER THEREOF, AND IN THE CASE OF A CORPORATION, THE NAME AND ADDRESS THEREOF AND OF ITS OFFICERS AND ITS REGISTERED AGENT, AND IN THE CASE OF A UNIT OF LOCAL GOVERNMENT, THE NAME AND ADDRESS OF ITS CHIEF EXECUTIVE OFFICER;
- 2) THE NAME AND LOCATION OF THE FACILITY FOR WHICH A LICENSE IS SOUGHT;
- 3) THE NAME OF THE PERSON OR PERSONS UNDER WHOSE MANAGEMENT OR SUPERVISION THE FACILITY WILL BE CONDUCTED;
- 4) THE NUMBER AND TYPE OF RESIDENTS FOR WHICH MAINTENANCE, PERSONAL CARE, OR NURSING IS TO BE PROVIDED; AND
- 5) SUCH INFORMATION RELATING TO THE NUMBER, EXPERIENCE, AND TRAINING OF THE EMPLOYEES OF THE FACILITY, ANY MANAGEMENT AGREEMENTS FOR THE OPERATION OF THE FACILITY, AND OF THE MORAL CHARACTER OF THE APPLICANT AND EMPLOYEES AS THE DEPARTMENT MAY DEEM NECESSARY. (Section 3-103(2) of the Act)

e) Ownership Change or Discontinuation

- 1) The license is not transferable. It is issued to a specific licensee and for a specific location. The license and the valid current renewal certificate immediately become void and shall be returned to the Department when the facility is sold, or leased; or when operation is discontinued; or when operation is moved to a new location; or when the licensee (if an individual) dies; or when the licensee (if a corporation or partnership) dissolves or terminates; or when the licensee (whatever the entity) ceases to be.
- 2) A license issued to a corporation shall become null, void and of no further effect upon the dissolution of the corporation. The license shall not be revived if the corporation is subsequently reinstated. A new license must be obtained in such cases.

f) EACH INITIAL APPLICATION SHALL BE ACCOMPANIED BY A FINANCIAL STATEMENT SETTING FORTH THE FINANCIAL CONDITION OF THE APPLICANT AND BY A STATEMENT FROM THE UNIT OF LOCAL GOVERNMENT HAVING ZONING

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JURISDICTION OVER THE FACILITY'S LOCATION STATING THAT THE LOCATION OF THE FACILITY IS NOT IN VIOLATION OF A ZONING ORDINANCE. AN INITIAL APPLICATION FOR A NEW FACILITY SHALL BE ACCOMPANIED BY A PERMIT AS REQUIRED BY THE ILLINOIS HEALTH FACILITIES PLANNING ACT. AFTER THE APPLICATION IS APPROVED, THE APPLICANT SHALL ADVISE THE DEPARTMENT EVERY SIX MONTHS OF ANY CHANGES IN THE INFORMATION ORIGINALLY PROVIDED IN THE APPLICATION. (Section 3-103(3) of the Act)

g) Licenses may be issued FOR PERIODS OF NOT LESS THAN SIX (6) MONTHS NOR MORE THAN EIGHTEEN (18) MONTHS IN ORDER FOR THE DEPARTMENT TO DISTRIBUTE THE EXPIRATION DATES OF ALL LICENSES THROUGHOUT THE CALENDAR YEAR. THE FEES FOR THESE LICENSES ARE PRO-RATED ON THE BASIS OF THE PORTION OF THE YEAR FOR WHICH THEY ARE ISSUED. (Section 3-110 of the Act) The pro-rated fee will be as follows:

- 1) Six (6) months to less than twelve (12) months -- \$150.00;
- 2) Twelve (12) months to eighteen (18) months -- \$200.00.

(Source: Amended at 15 Ill. Reg. ____, effective ____)

Section 330.330 Definitions

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

ABUSE - ANY PHYSICAL OR MENTAL INJURY OR SEXUAL ASSAULT INFLICTED ON A RESIDENT OTHER THAN BY ACCIDENTAL MEANS IN A FACILITY.
(Section 1-103 of the Act)

ACCESS - THE RIGHT TO:

ENTER ANY FACILITY;

COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT WHO CONSENTS TO THE COMMUNICATION;

SEEK CONSENT TO COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT;

INSPECT THE CLINICAL AND OTHER RECORDS OF A RESIDENT WITH THE EXPRESS WRITTEN CONSENT OF THE RESIDENT;

OBSERVE ALL AREAS OF THE FACILITY EXCEPT THE LIVING AREA OF ANY RESIDENT WHO PROTESTS THE OBSERVATION. (Section 1-104 of the Act)

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Act - as used in this Part, the Nursing Home Care Act (111. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 86-1198, effective October 1, 1990).

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 330.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type A or type B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

AFFILIATE MEANS:

WITH RESPECT TO A PARTNERSHIP, EACH PARTNER THEREOF.

WITH RESPECT TO A CORPORATION, EACH OFFICER, DIRECTOR AND STOCKHOLDER THEREOF.

WITH RESPECT TO A NATURAL PERSON: ANY PERSON RELATED IN THE FIRST DEGREE OF KINSHIP TO THAT PERSON; EACH PARTNERSHIP AND EACH PARTNER THEREOF OF WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS A PARTNER; AND EACH CORPORATION IN WHICH THAT

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PERSON OR ANY AFFILIATE OF THAT PERSON IS AN OFFICER, DIRECTOR OR STOCKHOLDER. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

APPLICANT - ANY PERSON MAKING APPLICATION FOR A LICENSE. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Autism - A syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

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Basement - when used in this Part means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a charge nurse is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Community Living Facility - see Facility, Community Living.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse. Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and seclusion.

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Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 2301 et seq.).

Department - as used in these standards means the Illinois Department of Public Health.

Developmentally Disabled - those individuals whose disability is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other pathological conditions which generally originate before such individuals attain age 18, and which continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.

Developmental Disability - a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairments;

is manifest before age 22;

is likely to continue indefinitely;

results in substantial functional limitations in three or more of the following areas of major life activities:

self-care;

receptive and expressive language;

learning;

mobility;

self-direction;

capacity for independent living; and

economic self-sufficiency; and

reflects the person's needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of life-long or extended duration and individually planned and coordinated.

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Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate of a Department-approved course that provides 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Supervision - means that work is performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

DIRECTOR - THE DIRECTOR OF PUBLIC HEALTH OR HIS DESIGNEE. (Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

DISCHARGE - THE FULL RELEASE OF ANY RESIDENT FROM A FACILITY. (Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of

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all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility.

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Equivalent of a Graduate Licensed Practical Nurse - a licensed practical nurse, licensed by waiver, who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services shall be considered the equivalent of a licensed practical nurse who is a graduate of an approved school of practical nursing for the purposes of this Part these standards.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Community Living - a place of residence as limited in these standards for between five and 80 ambulatory adults who are mildly or moderately mentally retarded with a potential for being absorbed into the mainstream of community life.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in this Part these standards is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled. Facilities with any

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number less than 50 percent of developmentally disabled residents, who are determined by the Department with consultation from the Division of Developmental Disabilities, Illinois Department of Mental Health and Developmental Disabilities to need organized social support and training programs, must comply with the program requirements in this Part these ~~minimum~~-Standards.

FACILITY OR LONG-TERM CARE FACILITY - A PRIVATE HOME, INSTITUTION, BUILDING, RESIDENCE, OR ANY OTHER PLACE, WHETHER OPERATED FOR PROFIT OR NOT, OR A COUNTY HOME FOR THE INFIRM AND CHRONICALLY ILL OPERATED PURSUANT TO THE COUNTY HOME ACT (111. Rev. Stat. 1989, ch. 53, par. 61 et seq.), AS NOW OR HEREFTER AMENDED, OR BY A COUNTY PURSUANT TO "AN ACT IN RELATION TO HOMES FOR THE AGED" (111. Rev. Stat. 1989, ch. 34, par. 3561 et seq.) AS NOW OR HEREFTER AMENDED, THE OR ANY SIMILAR INSTITUTION OPERATED BY A POLITICAL SUBDIVISION OF THE STATE OF ILLINOIS, WHICH PROVIDES THROUGH ITS OWNERSHIP OR MANAGEMENT, PERSONAL CARE, SHELTERED CARE OR NURSING FOR THREE OR MORE PERSONS, NOT RELATED TO THE APPLICANT OR OWNER BY BLOOD OR MARRIAGE. IT INCLUDES SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES AS THOSE TERMS ARE DEFINED IN TITLE XVIII AND TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "FACILITY" DOES NOT INCLUDE THE FOLLOWING:

A HOME, INSTITUTION, OR OTHER PLACE OPERATED BY THE FEDERAL GOVERNMENT OR AGENCY THEREOF, OR BY THE STATE OF ILLINOIS;

A HOSPITAL, SANITARIUM, OR OTHER INSTITUTION WHOSE PRINCIPAL ACTIVITY OR BUSINESS IS THE DIAGNOSIS, CARE, AND TREATMENT OF HUMAN ILLNESS THROUGH THE MAINTENANCE AND OPERATION AS ORGANIZED FACILITIES THEREFOR, WHICH IS REQUIRED TO BE LICENSED UNDER THE HOSPITAL LICENSING ACT (111. Rev. Stat. 1989, ch. 111 1/2, par. 142 et seq.) AS NOW OR HEREFTER AMENDED; OR

ANY "FACILITY FOR CHILD CARE" AS DEFINED IN THE CHILD CARE ACT OF 1969 (111. Rev. Stat. 1989, ch. 23, par. 2211 et seq.) AS NOW OR HEREFTER AMENDED; OR

ANY NURSING HOME OR SANATORIUM OPERATED SOLELY BY AND FOR PERSONS WHO RELY EXCLUSIVELY UPON TREATMENT BY SPIRITUAL MEANS THROUGH PRAYER, IN ACCORDANCE WITH THE CREED OR TENETS OF ANY WELL-RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION. HOWEVER, SUCH NURSING HOME OR SANATORIUM SHALL COMPLY WITH ALL LOCAL LAWS AND RULES RELATING TO SANITATION AND SAFETY. (Section 1-113 of the Act)

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Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two month period of time.

Full-time - means on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

GUARDIAN - A PERSON APPOINTED AS A GUARDIAN OF THE PERSON OR GUARDIAN OF THE ESTATE, OR BOTH, OF A RESIDENT UNDER THE PROBATE ACT OF 1975 (111. Rev. Stat. 1989, ch. 110 1/2, par. 1-1 et seq.) AS NOW OR HEREFTER AMENDED. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not for profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of

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1986, as heretofore or hereafter amended (111. Rev. Stat. 1989, ch. 32, par. 101.01 et seq.); or, by a county pursuant to "AN ACT in relation to homes for the aged", as heretofore or hereafter amended (111. Rev. Stat. 1989, ch. 34, par. 3561 et seq.); or, pursuant to a trust or endowment established for nonprofit, charitable purposes, and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

House Manager - a qualified person on duty 40 hours a week managing the Community Living Facility and responsible for its operation and its inhabitants.

Individual Educational Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1985⁶⁷ Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for the Developmentally Disabled (ICF/DD's) at least one member of the team shall be a Qualified Mental Retardation Professional.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act, as now or hereafter amended (111. Rev. Stat. 1989, ch. 111, par. 3651 et seq.).

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

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LICENSEE - THE PERSON OR ENTITY LICENSED TO OPERATE THE FACILITY AS PROVIDED UNDER THE ACT. (Section 1-115 of the Act)

Life-care contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

MAINTENANCE - FOOD, SHELTER, AND LAUNDRY SERVICES. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Mobile Resident - any resident who is able to move about either independently or with the aid of assistive devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the state regulations, and who reports periodically to the Department on the operations of the facility.

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NEGLECT - A FAILURE IN A FACILITY TO PROVIDE ADEQUATE MEDICAL OR PERSONAL CARE OR MAINTENANCE, WHICH FAILURE RESULTS IN PHYSICAL OR MENTAL INJURY TO A RESIDENT OR IN THE DETERIORATION OF A RESIDENT'S PHYSICAL OR MENTAL CONDITION. (Section 1-117 of the Act)

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

NURSE - A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE AS DEFINED IN THE ILLINOIS NURSING ACT OF 1987 (111. Rev. Stat. 1989, ch. 111, par. 3501 et seq.) AS NOW OR HEREFTER AMENDED. (Section 1-118 of the Act)

Nursing Assistant - Any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable distinct part of a facility consisting of all the beds within the distinct part, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

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Occupational Therapist, Registered (OTR) - a person who is registered with the Department of Professional Regulation as an occupational therapist under the Illinois Occupational Therapy Practice Act (111. Rev. Stat. 1989, ch. 111, par. 3701 et seq.).

Occupational Therapy Assistant - a person who is registered with the Department of Professional Regulation as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Oversight - general watchfulness and appropriate action to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

OWNER - THE INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER PERSON WHO OWNS A FACILITY. IN THE EVENT A FACILITY IS OPERATED BY A PERSON WHO LEASES THE PHYSICAL PLANT, WHICH IS OWNED BY ANOTHER PERSON, "OWNER" MEANS THE PERSON WHO OPERATES THE FACILITY, EXCEPT THAT IF THE PERSON WHO OWNS THE PHYSICAL PLANT IS AN AFFILIATE OF THE PERSON WHO OPERATES THE FACILITY AND HAS SIGNIFICANT CONTROL OVER THE DAY-TO-DAY OPERATIONS OF THE FACILITY, THE PERSON WHO OWNS THE PHYSICAL PLANT SHALL INCUR JOINTLY AND SEVERALLY WITH THE OWNER ALL LIABILITIES IMPOSED ON AN OWNER UNDER THE ACT. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

PERSONAL CARE - ASSISTANCE WITH MEALS, DRESSING, MOVEMENT, BATHING, OR OTHER PERSONAL NEEDS, OR GENERAL SUPERVISION AND OVERSIGHT OF THE PHYSICAL AND MENTAL WELL-BEING OF AN INDIVIDUAL, EXCLUSIVE OF NURSING, WHO BECAUSE OF AGE, PHYSICAL OR MENTAL DISABILITY, EMOTIONAL OR BEHAVIOR DISORDER, OR MENTAL RETARDATION IS INCAPABLE OF MAINTAINING A PRIVATE, INDEPENDENT RESIDENCE, OR WHO IS INCAPABLE OF MANAGING HIS PERSON WHETHER OR NOT A GUARDIAN HAS BEEN APPOINTED. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy

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Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 4121 et seq.).

Physical Therapy Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered with the Department of Professional Regulation as a physical therapist under the Illinois Physical Therapy Act (Ill. Rev. Stat. 1989, ch. 111, par. 4251 et seq.).

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the Medical Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 4400-1 et seq.).

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Program Coordinator - a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed by the Illinois Department of Professional Regulation to practice clinical psychology under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1989, ch. 111, par. 5351 et seq.).

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human

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services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

REASONABLE VISITING HOURS - ANY TIME BETWEEN THE HOURS OF 10 A.M. AND 8 P.M. DAILY. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license from the Illinois Department of Professional Regulation to practice as a registered professional nurse under the Illinois Nursing Act of 1987.

REPEAT VIOLATION - A VIOLATION THAT HAS BEEN CITED DURING ONE INSPECTION OF THE FACILITY FOR WHICH A SUBSEQUENT INSPECTION INDICATES THAT AN ACCEPTED PLAN OF CORRECTION WAS NOT COMPLETED WITHIN A PERIOD OF NOT MORE THAN TWELVE MONTHS FROM THE ISSUANCE OF THE INITIAL VIOLATION. A REPEAT VIOLATION SHALL NOT BE A NEW CITATION OF THE SAME RULE, UNLESS THE LICENSEE IS NOT SUBSTANTIALLY ADDRESSING THE ISSUE ROUTINELY THROUGHOUT THE FACILITY. (SECTION 3-305 OF THE ACT)

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

RESIDENT - PERSON RESIDING IN AND RECEIVING PERSONAL CARE FROM A FACILITY. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

RESIDENT'S REPRESENTATIVE - A PERSON OTHER THAN THE OWNER, OR AN AGENT OR EMPLOYEE OF A FACILITY NOT RELATED TO THE RESIDENT.

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DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint of a Resident - the application of a device to limit movements.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails; geriatric or adaptive chairs; a wide band, vest or sheet applied to prevent falling out of a bed or chair; and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident in a room which the resident cannot open.

Self Preservation - the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

SHELTERED CARE - MAINTENANCE AND PERSONAL CARE. (Section 1-124 of the Act)

Social Worker, Qualified - a person who:

is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (111. Rev. Stat. 1989, ch. 111, par. 6351 et seq.); and

is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs); and

has one year of social work experience in a health care setting. State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

STOCKHOLDER OF A CORPORATION - ANY PERSON WHO, DIRECTLY OR INDIRECTLY, BENEFICIALLY OWNS, HOLDS OR HAS THE POWER TO VOTE, AT LEAST FIVE PERCENT OF ANY CLASS OF SECURITIES ISSUED BY THE CORPORATION. (Section 1-125 of the Act)

Story - when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

STUDENT INTERN - MEANS ANY PERSON WHOSE TOTAL TERM OF EMPLOYMENT IN ANY FACILITY DURING ANY 12-MONTH PERIOD IS EQUAL TO OR LESS THAN 90 CONTINUOUS DAYS, AND WHOSE TERM OF EMPLOYMENT IS EITHER:

AN ACADEMIC CREDIT REQUIREMENT IN A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, OR

IMMEDIATELY SUCCEEDS A FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, PROVIDED THAT SUCH PERSON IS REGISTERED FOR ANOTHER FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION WHICH QUARTER, SEMESTER OR TRIMESTER WILL COMMENCE IMMEDIATELY FOLLOWING THE TERM OF EMPLOYMENT. (Section 1-125.1 of the Act)

Substantial - meeting requirements except for variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 330.280(q)(8), 330.280(k)(2) and 330.280(k)(4).

Substantial failure - the failure to meet requirements other than a variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 330.180(b)(1) and 330.260(f).

Sufficient - Same as adequate.

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Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in regulations, the supervisor must be on the premises if the person does not meet assistant level (two year training program) qualifications specified in these definitions.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

TITLE XVIII - TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREFTER AMENDED (42 U.S.C. 1395 et seq.). (Section 1-126 of the Act)

TITLE XIX - TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREFTER AMENDED (42 U.S.C. 1395 et seq.). (Section 1-127 of the Act)

TRANSFER - A CHANGE IN STATUS OF A RESIDENT'S LIVING ARRANGEMENTS FROM ONE FACILITY TO ANOTHER FACILITY. (Section 1-128 of the Act)

TYPE A VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM TO A RESIDENT WILL RESULT THEREFROM. (Section 1-129 of the Act)

TYPE B VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area, in Community Living Facilities consisting of not less than five nor more than 20 beds, and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective regulations governing the approved levels of service.

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1) Heading of the Part:

Skilled Nursing and Intermediate Care Facilities Code

2) Code Citation:

77 Ill. Adm. Code 300

3) Section Numbers:

300.120
300.330
300.620

Proposed Action:

Amendments
Amendments
Amendments

4) Statutory Authority:

Nursing Home Care Act
Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq.

5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 300 govern the licensure of long-term care facilities that provide skilled nursing and intermediate care. These proposed amendments address issues encountered by the Department in the enforcement of the rules.

Section 300.120(g) - The Department is amending the rule to implement Section 3-110 of the Nursing Home Care Act, which states that "the director may issue licenses or renewals for periods of not less than 6 months nor more than 18 months in order to distribute the expiration dates of such licenses throughout the calendar year, and fees for such licenses shall be prorated on the basis of the portion of the year for which they are issued." The proposed language explains how licenses will be issued so as to distribute the expiration dates throughout the calendar year. The amendment also sets forth the fee schedule. In addition, the Department is deleting reference to the pre-application form, which is no longer in use.

Section 300.330 - The Department is adding a definition of the term "repeat violation," which is used to refer to a violation for which an accepted plan of correction was not complied with.

Section 300.620(c) - Section 300.620(c) is being amended to clarify the Department's policy in regard to inappropriate placement of developmentally disabled residents. Many facilities have residents who were admitted to the facility prior to the screening process now mandated by the Social Security Act. Therefore, the phrase "no resident shall be admitted to the facility" is added to Section 300.620(c)(3) to allow developmentally disabled persons to remain in the facilities in which they reside.

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Statutory citations have been updated to the 1989 Illinois Revised Statutes.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☒ No ☐

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☐ No ☒

If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☐ No ☒

10) Statement of Statewide Policy Objectives:

This rulemaking neither creates nor expands a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail Devito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail Devito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate

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their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

- A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
- B) Type of Small Businesses Affected:

Skilled Nursing and Intermediate Care facilities

- C) Reporting, Bookkeeping or Other Procedures Required for Compliance:
- None.

- D) Types of Professional Skills Necessary for Compliance:
- None.

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 300
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
300.110	General Requirements
300.120	Application for License
300.130	Licensee
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
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300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
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300.277	Administrative Warning
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300.286	Determination to Assess Penalties
300.288	Reduction or Waiver of Penalties
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300.300	Alcoholism Treatment Programs In Long-Term Care Facilities
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SUBPART B: ADMINISTRATION

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300.510 Administrator

SUBPART C: POLICIES

- 300.610 Resident Care Policies
- 300.620 Admission and Discharge Policies
- 300.630 Contract Between Resident and Facility
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- 300.655 Initial Health Evaluation for Employees
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SUBPART D: PERSONNEL

- 300.810 General
- 300.820 Categories of Personnel
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- 300.1010 Medical Care Policies
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- 300.1210 General Requirements for Nursing and Personal Care
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SUBPART G: RESIDENT CARE SERVICES

- 300.1410 Activity Program
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SUBPART H: MEDICATIONS

- 300.1610 Medication Policies and Procedures

SUBPART I: RESIDENT AND FACILITY RECORDS

- 300.1810 Resident Record Requirements
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SUBPART P: RESIDENT'S RIGHTS

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SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

300.3410 Application of Other Sections ~~Divisions~~ of These Minimum Standards;
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SUBPART R: DAYCARE PROGRAMS

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APPENDIX A Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities

APPENDIX B Classification of Distinct Part of a Facility for Different Levels of Service

APPENDIX C Federal Requirements Regarding Patients'/Residents' Rights

APPENDIX D Forms for Day Care in Long-Term Care Facilities

APPENDIX E Criteria for Activity Directors Who Need Only Minimal Consultation

TABLE A Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities

TABLE B Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities

TABLE C Construction Types and Sprinkler Requirements for Existing Skilled

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Nursing Facilities/Intermediate Care Facilities

TABLE D Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq.).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15999, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 13477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 15 Ill. Reg. _____, effective _____.

NOTE: Italics and capitalization denote statutory language.

Section 300.120 Application for License

- a) Any person acting individually or jointly with other persons who proposes to build, own, establish, or operate an intermediate care facility or skilled nursing facility shall submit pre-application information on forms provided by the Department. The Department shall be furnished a written description of the proposed program to be provided, and other such information as it may require in order to determine the appropriate level of care for which the facility should

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be licensed. A pre-application forms and other required information shall be submitted and approved prior to surveys of the physical plant or review of building plans and specifications.

- b) An pre-application for a new facility shall be accompanied by a permit as required by the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1151 et seq.).
- c) APPLICATION FOR A LICENSE TO ESTABLISH OR OPERATE AN INTERMEDIATE CARE FACILITY OR SKILLED NURSING FACILITY SHALL BE MADE IN WRITING AND SUBMITTED, WITH OTHER SUCH INFORMATION AS THE DEPARTMENT MAY REQUIRE, ON FORMS PROVIDED BY THE DEPARTMENT. (Section 3-103(1) of the Act)
- d) ALL APPLICATIONS, EXCEPT THOSE OF HOMES FOR THE AGED, SHALL BE ACCOMPANIED BY AN APPLICATION FEE OF 200 DOLLARS. THE APPLICATION SHALL BE UNDER OATH AND THE SUBMISSION OF FALSE OR MISLEADING INFORMATION SHALL BE A CLASS A MISDEMEANOR. THE APPLICATION SHALL CONTAIN THE FOLLOWING INFORMATION:
- 1) THE NAME AND ADDRESS OF THE APPLICANT IF AN INDIVIDUAL, AND IF A FIRM, PARTNERSHIP, OR ASSOCIATION, OF EVERY MEMBER THEREOF, AND IN THE CASE OF A CORPORATION, THE NAME AND ADDRESS THEREOF, AND OF ITS OFFICERS AND ITS REGISTERED AGENT, AND IN THE CASE OF A UNIT OF LOCAL GOVERNMENT, THE NAME AND ADDRESS OF ITS CHIEF EXECUTIVE OFFICER;
 - 2) THE NAME AND LOCATION OF THE FACILITY FOR WHICH A LICENSE IS SOUGHT;
 - 3) THE NAME OF THE PERSON OR PERSONS UNDER WHOSE MANAGEMENT OR SUPERVISION THE FACILITY WILL BE CONDUCTED;
 - 4) THE NUMBER AND TYPE OF RESIDENTS FOR WHICH MAINTENANCE, PERSONAL CARE, OR NURSING IS TO BE PROVIDED; AND
 - 5) SUCH INFORMATION RELATING TO THE NUMBER, EXPERIENCE, AND TRAINING OF THE EMPLOYEES OF THE FACILITY, ANY MANAGEMENT AGREEMENTS FOR THE OPERATION OF THE FACILITY, AND OF THE MORAL CHARACTER OF THE APPLICANT AND EMPLOYEES AS THE DEPARTMENT MAY DEEM NECESSARY. (Section 3-103(2) of the Act)
- e) Ownership Change or Discontinuation
- 1) The license is not transferable. It is issued to a specific licensee and for a specific location. The license and the valid current renewal certificate immediately become void and shall be returned to the Department when the facility is sold, or leased;

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or when operation is discontinued; or when operation is moved to a new location; or when the licensee (if an individual) dies; or when the licensee (if a corporation or partnership) dissolves or terminates; or when the licensee (whatever the entity) ceases to be.

- 2) A license issued to a corporation shall become null, void and of no further effect upon the dissolution of the corporation. The license shall not be revived if the corporation is subsequently reinstated. A new license must be obtained in such cases.

f) EACH INITIAL APPLICATION SHALL BE ACCOMPANIED BY A FINANCIAL STATEMENT SETTING FORTH THE FINANCIAL CONDITION OF THE APPLICANT AND BY A STATEMENT FROM THE UNIT OF LOCAL GOVERNMENT HAVING ZONING JURISDICTION OVER THE FACILITY'S LOCATION STATING THAT THE LOCATION OF THE FACILITY IS NOT IN VIOLATION OF A ZONING ORDINANCE. AN INITIAL APPLICATION FOR A NEW FACILITY SHALL BE ACCOMPANIED BY A PERMIT AS REQUIRED BY THE ILLINOIS HEALTH FACILITIES PLANNING ACT. AFTER THE APPLICATION IS APPROVED, THE APPLICANT SHALL ADVISE THE DEPARTMENT EVERY SIX MONTHS OF ANY CHANGES IN THE INFORMATION ORIGINALLY PROVIDED IN THE APPLICATION. (Section 3-103(3) of the Act)

g) Licenses may be issued FOR PERIODS OF NOT LESS THAN SIX (6) MONTHS NOR MORE THAN EIGHTEEN (18) MONTHS IN ORDER FOR THE DEPARTMENT TO DISTRIBUTE THE EXPIRATION DATES OF ALL LICENSES THROUGHOUT THE CALENDAR YEAR. THE FEES FOR THESE LICENSES ARE PRO-RATED ON THE BASIS OF THE PORTION OF THE YEAR FOR WHICH THEY ARE ISSUED. (Section 3-110 of the Act) The pro-rated fee will be as follows:

- 1) Six (6) months to less than twelve (12) months - \$150.00;
- 2) Twelve (12) months to eighteen (18) months - \$200.00.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 300.330 Definitions

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

ABUSE - ANY PHYSICAL OR MENTAL INJURY OR SEXUAL ASSAULT INFLICTED ON A RESIDENT OTHER THAN BY ACCIDENTAL MEANS IN A FACILITY. (Section 1-103 of the Act)

ACCESS - THE RIGHT TO:

ENTER ANY FACILITY;

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COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT WHO CONSENTS TO THE COMMUNICATION;
SEEK CONSENT TO COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT;

INSPECT THE CLINICAL AND OTHER RECORDS OF A RESIDENT WITH THE EXPRESS WRITTEN CONSENT OF THE RESIDENT;

OBSERVE ALL AREAS OF THE FACILITY EXCEPT THE LIVING AREA OF ANY RESIDENT WHO PROTESTS THE OBSERVATION. (Section 1-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act (111. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq.).

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 300.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type A or type B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

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AFFILIATE MEANS:

WITH RESPECT TO A PARTNERSHIP, EACH PARTNER THEREOF.

WITH RESPECT TO A CORPORATION, EACH OFFICER, DIRECTOR AND STOCKHOLDER THEREOF.

WITH RESPECT TO A NATURAL PERSON: ANY PERSON RELATED IN THE FIRST DEGREE OF KINSHIP TO THAT PERSON; EACH PARTNERSHIP AND EACH PARTNER THEREOF OF WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS A PARTNER; AND EACH CORPORATION IN WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS AN OFFICER, DIRECTOR OR STOCKHOLDER. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Amblulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

APPLICANT - ANY PERSON MAKING APPLICATION FOR A LICENSE.
(Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Autism - A syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; ~~m~~Mental illness observed in young children

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characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part, means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a charge nurse is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Community Living Facility - see Facility, Community Living.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and

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the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse. Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and seclusion.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 2301 et seq.).

Department - as used in this Part means the Illinois Department of Public Health.

Developmentally Disabled - those individuals whose disability is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other pathological conditions which generally originate before such individuals attain age 18, and which continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.

Developmental Disability - a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairments;

is manifest before age 22;

is likely to continue indefinitely;

results in substantial functional limitations in three or more of the following areas of major life activities:

self-care;

receptive and expressive language;

learning;

mobility;

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self-direction;

capacity for independent living; and

economic self-sufficiency; and

reflects the persons's needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of life-long or extended duration and individually planned and coordinated.

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate of a Department-approved course that provides 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Care Aide - Any person who provides nursing care, personal care or psychosocial support to residents of Specialized living Facilities, regardless of title, and who is not a Qualified Professional, as defined in these rules. Direct Care Aides must function under the supervision of a licensed nurse when performing nursing or personal care duties.

Direct Supervision - means that work is performed under the guidance

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and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

DIRECTOR - THE DIRECTOR OF PUBLIC HEALTH OR HIS DESIGNEE.
(Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

DISCHARGE - THE FULL RELEASE OF ANY RESIDENT FROM A FACILITY.
(Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility.

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Equivalent of a Graduate Licensed Practical Nurse - a licensed practical nurse, licensed by waiver, who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services shall be considered the equivalent of a licensed practical nurse who is a graduate of an approved school of practical nursing for the purposes of this Part.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

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Facility, Community Living - a place of residence as limited in these standards for between five and 80 ambulatory adults who are mildly or moderately mentally retarded with a potential for being absorbed into the mainstream of community life.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in this Part, is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled. Facilities with any number less than 50 percent of developmentally disabled residents, who are determined by the Department with consultation from the Division of Developmental Disabilities, Illinois Department of Mental Health and Developmental Disabilities to need organized social support and training programs, must comply with the program requirements in this Part ~~these minimum~~ standards.

FACILITY OR LONG-TERM CARE FACILITY - A PRIVATE HOME, INSTITUTION, BUILDING, RESIDENCE, OR ANY OTHER PLACE, WHETHER OPERATED FOR PROFIT OR NOT, OR A COUNTY HOME FOR THE INFIRM AND CHRONICALLY ILL OPERATED PURSUANT TO THE COUNTY HOME ACT (111. Rev. Stat. 1989, ch. 53, par. 61 et seq.), AS NOW OR HEREAFTER AMENDED, OR BY A COUNTY PURSUANT TO "AN ACT IN RELATION TO HOMES FOR THE AGED" (111. Rev. Stat. 1989, ch. 34, par. 351 et seq.) AS NOW OR HEREAFTER AMENDED, OR ANY SIMILAR INSTITUTION OPERATED BY A POLITICAL SUBDIVISION OF THE STATE OF ILLINOIS, WHICH PROVIDES, THROUGH ITS OWNERSHIP OR MANAGEMENT, PERSONAL CARE, SHELTERED CARE OR NURSING FOR THREE OR MORE PERSONS, NOT RELATED TO THE APPLICANT OR OWNER BY BLOOD OR MARRIAGE. IT INCLUDES SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES AS THOSE TERMS ARE DEFINED IN TITLE XVIII AND TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "FACILITY" DOES NOT INCLUDE THE FOLLOWING:

A HOME, INSTITUTION, OR OTHER PLACE OPERATED BY THE FEDERAL GOVERNMENT OR AGENCY THEREOF, OR BY THE STATE OF ILLINOIS;

A HOSPITAL, SANITARIUM, OR OTHER INSTITUTION WHOSE PRINCIPAL ACTIVITY OR BUSINESS IS THE DIAGNOSIS, CARE, AND TREATMENT OF HUMAN ILLNESS THROUGH THE MAINTENANCE AND OPERATION AS ORGANIZED

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FACILITIES THEREFOR, WHICH IS REQUIRED TO BE LICENSED UNDER THE HOSPITAL LICENSING ACT (111. Rev. Stat. 1989, ch. 111 1/2, par. 142 et seq.) AS NOW OR HEREAFTER AMENDED; OR

ANY "FACILITY FOR CHILD CARE" AS DEFINED IN THE CHILD CARE ACT OF 1969 (111. Rev. Stat. 1989, ch. 23, par. 2211 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-113 of the Act); OR

ANY NURSING HOME OR SANATORIUM OPERATED SOLELY BY AND FOR PERSONS WHO RELY EXCLUSIVELY UPON TREATMENT BY SPIRITUAL MEANS THROUGH PRAYER, IN ACCORDANCE WITH THE CREED OR TENETS OF ANY WELL-RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION. HOWEVER, SUCH NURSING HOME OR SANATORIUM SHALL COMPLY WITH ALL LOCAL LAWS AND RULES RELATING TO SANITATION AND SAFETY. (Section 1-113 of the Act)

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two month period of time.

Full-time - means on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

GUARDIAN - A PERSON APPOINTED AS A GUARDIAN OF THE PERSON OR GUARDIAN OF THE ESTATE, OR BOTH, OF A RESIDENT UNDER THE PROBATE ACT OF 1975 (111. Rev. Stat. 1989, ch. 110 1/2, par. 1-1 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a

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disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not for profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of 1986, as heretofore or hereafter amended (111. Rev. Stat. 1989, ch. 32, par. 101.01 et seq.); or, by a county pursuant to "AN ACT in relation to homes for the aged", as heretofore or hereafter amended (111. Rev. Stat. 1989, ch. 34, par. 3561 et seq.); or, pursuant to a trust or endowment established for nonprofit, charitable purposes, and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

House Manager - a qualified person on duty 40 hours a week managing the Community Living Facility and responsible for its operation and its inhabitants.

Individual Educational Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1985-1987 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's needs, and designs a program to meet

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those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for The Developmentally Disabled (ICF-DD's) at least one member of the team shall be a Qualified Mental Retardation Professional.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act (Ill. Rev. Stat. 1989, ch. 111, par. 3651 et seq.), as now or hereafter amended.

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

LICENSEE - THE PERSON OR ENTITY LICENSED TO OPERATE THE FACILITY AS PROVIDED UNDER THE ACT. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

MAINTENANCE - FOOD, SHELTER, AND LAUNDRY SERVICES. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without

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assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Mobile Resident - any resident who is able to move about either independently or with the aid of assistive devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

NEGLECT - A FAILURE IN A FACILITY TO PROVIDE ADEQUATE MEDICAL OR PERSONAL CARE OR MAINTENANCE, WHICH FAILURE RESULTS IN PHYSICAL OR MENTAL INJURY TO A RESIDENT OR IN THE DETERIORATION OF A RESIDENT'S PHYSICAL OR MENTAL CONDITION. (Section 1-117 of the Act)

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

NURSE - A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE AS DEFINED IN THE ILLINOIS NURSING ACT OF 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 3501 et seq.) AS NOW OR HEREFTER AMENDED. (Section 1-118 of the Act)

Nursing Assistant - Any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms

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and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable distinct part of a facility consisting of all the beds within the distinct part, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered with the Department of Professional Regulation as an occupational therapist under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 3701 et seq.).

Occupational Therapy Assistant - a person who is registered with the Department of Professional Regulation as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Oversight - general watchfulness and appropriate reaction to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

OWNER - THE INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER PERSON WHO OWNS A FACILITY. IN THE EVENT A FACILITY IS OPERATED BY A PERSON WHO LEASES THE PHYSICAL PLANT, WHICH IS OWNED BY ANOTHER PERSON, "OWNER" MEANS THE PERSON WHO OPERATES THE FACILITY, EXCEPT THAT IF THE PERSON WHO OWNS THE PHYSICAL PLANT IS AN AFFILIATE OF THE PERSON WHO OPERATES THE FACILITY AND HAS SIGNIFICANT CONTROL OVER THE DAY-TO-DAY OPERATIONS OF THE FACILITY, THE PERSON WHO OWNS THE PHYSICAL PLANT SHALL INCUR JOINTLY AND SEVERALLY WITH THE OWNER ALL LIABILITIES IMPOSED ON AN OWNER UNDER THE ACT. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

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PERSONAL CARE - ASSISTANCE WITH MEALS, DRESSING, MOVEMENT, BATHING, OR OTHER PERSONAL NEEDS, OR GENERAL SUPERVISION AND OVERSIGHT OF PHYSICAL AND MENTAL WELL-BEING OF AN INDIVIDUAL, EXCLUSIVE OF NURSING, WHO BECAUSE OF AGE, PHYSICAL OR MENTAL DISABILITY, EMOTIONAL OR BEHAVIOR DISORDER, OR MENTAL RETARDATION IS INCAPABLE OF MAINTAINING A PRIVATE, INDEPENDENT RESIDENCE, OR WHO IS INCAPABLE OF MANAGING HIS PERSON WHETHER OR NOT A GUARDIAN HAS BEEN APPOINTED. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 4121 et seq.).

Physical Therapy Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered with the Department of Professional Regulation as a physical therapist under the Illinois Physical Therapy Act (Ill. Rev. Stat. 1989, ch. 111 par. 4251 et seq.).

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the Medical Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 4400-1 et seq.).

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Program Coordinator - a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.

Program Unit - a resident care unit in Specialized Living Facilities equivalent to a nursing unit in Skilled Nursing Facilities as defined in this Part.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed by the Illinois Department of Professional Regulation to practice clinical psychology under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1989, ch. 111, par. 5351 et seq.).

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Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

- Be a physician as defined in this Section.
- Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

REASONABLE VISITING HOURS - ANY TIME BETWEEN THE HOURS OF 10 A.M. AND 8 P.M. DAILY. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license from the Illinois Department of Professional Regulation to practice as a registered professional nurse under the Illinois Nursing Act of 1987.

REPEAT VIOLATION - A VIOLATION THAT HAS BEEN CITED DURING ONE INSPECTION OF THE FACILITY FOR WHICH A SUBSEQUENT INSPECTION INDICATES THAT AN ACCEPTED PLAN OF CORRECTION WAS NOT COMPLETED WITHIN A PERIOD OF NOT MORE THAN TWELVE MONTHS FROM THE ISSUANCE OF THE INITIAL VIOLATION. A REPEAT VIOLATION SHALL NOT BE A NEW CITATION OF THE SAME RULE, UNLESS THE LICENSEE IS NOT SUBSTANTIALLY ADDRESSING THE ISSUE ROUTINELY THROUGHOUT THE FACILITY. (Section 3-305 of the Act)

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or

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other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable. RESIDENT - PERSON RESIDING IN AND RECEIVING PERSONAL CARE FROM A FACILITY. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

RESIDENT'S REPRESENTATIVE - A PERSON OTHER THAN THE OWNER, OR AN AGENT OR EMPLOYEE OF A FACILITY NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint of a Resident - the application of a device to limit movements.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails; geriatric or adaptive chairs; a wide band, vest or sheet applied to prevent falling out of a bed or chair; and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident in a room which the resident cannot open.

Self Preservation - the ability to follow directions or recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

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SHELTERED CARE - MAINTENANCE AND PERSONAL CARE. (Section 1-124 of the Act)

Social Worker, Qualified - a person who:

is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (111. Rev. Stat. 1989, ch. 111, par. 6351 et seq.); and

is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs); and

has one year of social work experience in a health care setting.

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

STOCKHOLDER OF A CORPORATION - ANY PERSON WHO, DIRECTLY OR INDIRECTLY, BENEFICIALLY OWNS, HOLDS OR HAS THE POWER TO VOTE, AT LEAST FIVE PERCENT OF ANY CLASS OF SECURITIES ISSUED BY THE CORPORATION. (Section 1-125 of the Act)

Story - when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

STUDENT INTERN - MEANS ANY PERSON WHOSE TOTAL TERM OF EMPLOYMENT IN ANY FACILITY DURING ANY 12-MONTH PERIOD IS EQUAL TO OR LESS THAN 90 CONTINUOUS DAYS, AND WHOSE TERM OF EMPLOYMENT IS EITHER:

AN ACADEMIC CREDIT REQUIREMENT IN A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, OR

IMMEDIATELY SUCCEEDS A FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, PROVIDED THAT SUCH PERSON IS REGISTERED FOR ANOTHER FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION WHICH QUARTER, SEMESTER OR TRIMESTER WILL COMMENCE IMMEDIATELY FOLLOWING THE TERM OF EMPLOYMENT. (Section 1-125.1 of the Act)

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Substantial - meeting requirements except for variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 300.280(q)(8), 300.280(k)(2) and 300.280(k)(4).

Substantial failure - the failure to meet requirements other than a variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 300.180(b)(1) and 300.260(f).

Sufficient - Same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in regulations, the supervisor must be on the premises if the person does not meet assistant level (two year training program) qualifications specified in these definitions.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

TITLE XVIII - TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREFTER AMENDED. (Section 1-126 of the Act)

TITLE XIX - TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREFTER AMENDED. (Section 1-127 of the Act)

TRANSFER - A CHANGE IN STATUS OF A RESIDENT'S LIVING ARRANGEMENTS FROM ONE FACILITY TO ANOTHER FACILITY. (Section 1-128 of the Act)

TYPE A VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM TO A RESIDENT WILL RESULT THEREFROM. (Section 1-129 of the Act)

TYPE B VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED

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THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area, in Community Living Facilities consisting of not less than five nor more than 20 beds, and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective regulations governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 300.620 Admission and Discharge Policies

- a) No resident determined by professional evaluation to be in need of services not readily available in a particular facility, or through arrangement with a qualified outside resource, shall be admitted to, or kept in that facility, provided that all involuntary discharges and transfers shall be in accordance with Sections 3-401 through 3-423 of the Act. The Department defines a "qualified outside source" as one recognized as meeting professional standards for services provided. (B)
- b) Each facility shall have a policy concerning the admission of persons needing prenatal or maternity care, and a policy concerning the keeping of such persons who become pregnant while they are residents of the facility. If these policies permit such persons to be admitted to, or kept in the facility, then the facility shall have a policy concerning the provision of adequate and appropriate prenatal and maternity care to such individuals from in-house or outside resources.
- c) No resident shall be admitted to, or kept in, the facility:
 - 1) Who is mentally ill, in need of mental treatment, and at risk because, due to the mental illness, the person is reasonably expected to self-inflict serious physical harm or to inflict serious physical harm on another person in the near future as determined by professional evaluation, provided that all involuntary discharges and transfers shall be in accordance with Sections 3-401 through 3-423 of the Act. (B)

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- 2) Who is destructive of property, himself, or others, provided that all involuntary discharges and transfers shall be in accordance with Sections 3-401 through 3-423 of the Act. (B)

- d) ~~No resident shall be admitted to the facility who is developmentally disabled and who needs programming for such conditions, as described in the rules governing intermediate care facilities for the developmentally disabled (77 Ill. Adm. Code 350). Such person shall only be admitted to or kept in facilities licensed as intermediate care facilities for the developmentally disabled under 77 Ill. Adm. Code 350, or if under 18, in a long-term care facility for persons under 22 years of age which is licensed under 77 Ill. Adm. Code 390. Persons from 18 to 21 years of age in need of such care may be kept in either facility, provided that all involuntary discharges and transfers shall be in accordance with Sections 3-401 through 3-423 of the Act. (B)~~

- ed) Persons under 18 years of age may not be cared for in a facility for adults without prior written approval from the Department.

- fe) A facility shall not refuse to discharge or transfer a resident when requested to do so by the resident or, if incompetent, by the resident's guardian.

- gf) If a resident insists on and is discharged against medical advice, the facts involved in the situation shall be fully documented in the resident's clinical record.

- hg) Persons with communicable, contagious, or infectious diseases may be admitted under the conditions and in accordance with the procedures specified in Section 300.1020(b). (A, B)

- ih) A facility shall not admit more residents than the number authorized by the license issued to it. (B)

(Source: Amended at 15 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULE

- 1) Heading of the Part: Non-Academic Programs and Policies
- 2) Code Citation: 89 Ill. Adm. Code: 830
- 3) Section Numbers: 830.140 Proposed Action:
new section
- 4) Statutory Authority: Implementing Sections 10 and 11 and authorized by Section 3(f) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, pars. 3441, 3442 and 3434(f)).
- 5) A Complete Description of the Subjects and Issues Involved:
Section 830.140 is being added to specify policies regarding visits to the DORS' Schools.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
___ Yes X No
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Section Numbers Proposed Action Illinois Register Citation
Statement of Statewide Policy Objectives (if applicable):
Not Applicable

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Leigh Reed
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 830
NON-ACADEMIC PROGRAMS AND POLICIES

- Section
- 830.10 The Taking and Using of Students' Photographs
 - 830.20 Needy Student Fund
 - 830.30 Student Trust Fund
 - 830.35 Student Activity Fees
 - 830.40 Valuables
 - 830.50 Health Services
 - 830.60 Search and Seizure
 - 830.70 Rights and Responsibilities of School Staff
 - 830.80 Food and Nutrition
 - 830.90 Safety and Sanitation
 - 830.100 Donations
 - 830.110 Release of Students to Authorized Individuals
 - 830.120 Use of Motor Vehicles by Students
 - 830.130 Student Activities Requiring Approval of Parents/Guardians
 - 830.140 Visits to Schools

AUTHORITY: Implementing Sections 10 and 11 and authorized by Section 3(f) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, pars. 3441, 3442, and 3434(f)).

SOURCE: Adopted at 11 Ill. Reg. 15097, effective September 16, 1987; amended at 12 Ill. Reg. 14304, effective August 29, 1988; amended at ___ Ill. Reg. ___, effective ___.

Section 830.140 Visits to Schools

- a) All visits (e.g. parent-teacher conferences, tours of the school facilities and contact by outside agencies, individuals, and businesses regarding materials, services and programs) to the Department of Rehabilitation Services (DORS) schools from DORS' students' parents and family members, community members, and other interested individuals must be scheduled with the appropriate school administrator. This policy does not apply to DORS' staff or to anyone who is properly on campus (e.g., Client Assistance Program clients at ICSRC, visitors to the Heritage Cultural Center and parents and children at the Nursery School at ISD), but only while in an area appropriate to the purpose of the visit.

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- b) When a visitor to a DORS' school arrives on campus, the visitor must proceed to the administration office to receive a visitor's permit.
- c) Visits must be of a duration and manner which is neither disruptive to ongoing programming nor of a threatening or argumentative nature.
- d) The superintendent of the school or designee shall terminate a visit, and may report the individual(s) responsible to the proper law enforcement agency, if an individual is:
- 1) in or about any school building or grounds without a valid visitor's permit; or
 - 2) engaged in disorderly conduct.

(Source: Added at 15 Ill. Reg. ___, effective ___.)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Pay Plan
 - 2) The Code Citation: 80 Ill. Adm. Code 310
 - 3) Section Number: Adopted Action:
310. Appendix C Amended
 - 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 127, par. 63b108a(2)
 - 5) Effective Date of Amendment: March 11, 1991
 - 6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒
If "yes", please specify date:
 - 7) Does this amendment contain incorporation by reference? No
If "yes", was a copy of the approval form issued by JCAR attached to this rulemaking?
- These amendments do not contain any incorporations by reference.
- 8) Date filed in Agency's Principle Office: March 11, 1991
 - 9) Notice of Proposal Published in Illinois Register:
September 21, 1990; Issue #38, 14 Ill. Reg. 15186
 - 10) Has JCAR issued a Statement of Objections to this rule? No
If answer is "yes", please complete the following:
 - A) Statement of Objection: _____, _____, _____ Ill. Reg. _____
(Issue Date)
 - B) Agency Response: _____, _____ Ill. Reg. _____
(Issue Date)
 - C) Date Agency Response Submitted for Approval to JCAR?
 - 11) Difference between proposal and final version: None
 - 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?

The staff of the Joint Committee on Administrative Rules had no questions or problems concerning this rulemaking.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

- 13) Will these Amendments replace an emergency amendment currently in effect?

The emergency amendment filed in September, 1990, expired on February 8, 1991.

- 14) Are there any amendments pending to this part? No

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>

- 15) Summary and Purpose of Amendment:

In Section 310. Appendix C, Physician Administrator Rates and Medical Facilities Administrator Rates Schedule, a revision was made to allow the Department of Mental Health and Developmental Disabilities to better meet the directives of the Illinois Revised Statutes, Chapter 127, par. 8, section 7.07 and 7.07(a). The additional titles of Medical Facilities Administrator IV and V were included to accommodate the position of the head of clinical and medical services. The incumbent will be serving in the higher title when the Director of the Department of Mental Health and Developmental Disabilities does not possess a doctorate degree in psychiatry.

Also, the maximum salary of the Medical Facilities Administrator III was upgraded from \$10,222.00 to \$10,462.00, monthly.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Mr. Michael Murphy
Address: Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706

Telephone: (217) 782-5601

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes, Effective July 1, 1990
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Education Rate
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1991
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A Negotiated Rates of Pay

TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSCME)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, ISEA)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	VR-004 (Illinois State Treasurer's Office Employees, Teamsters and IFT)
TABLE M	RC-027 (Educators, AFSCME) (Repealed)
TABLE N	RC-027 (Physician Rates, AFSCME) (Repealed)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, ISEA)
TABLE Q	RC-033 (Meat Inspectors, ISEA)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSQME)
TABLE X	RC-063 (Professional Employees, AFSQME)
TABLE Y	RC-063 (Educators, AFSQME)
TABLE Z	RC-063 (Physicians, AFSQME)
APPENDIX B	Schedule of Salary Grades - Monthly and Annual Rates of Pay for Fiscal Year 1991
APPENDIX C	Physician Administrator Rates and Medical Facilities Administrator Rates for Fiscal Year 1991
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1991
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)

AUTHORITY: Implementing and authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1989, ch. 127, par. 63b108a(2)).

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective October 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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150 days; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675, effective July 31, 1986; emergency amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 19132, effective October 28, 1986; emergency amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; emergency amendment at 11 Ill. Reg. 3363, effective February 3, 1987; emergency amendment at 11 Ill. Reg. 4388, effective February 27, 1987; emergency amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; emergency amendment at 11 Ill. Reg. 15273, effective September 1, 1987; emergency amendment at 11 Ill. Reg. 17919, effective October 19, 1987; emergency amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; emergency amendment at 12 Ill. Reg. 3811, effective January 27, 1988; emergency amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 8135, effective April 22, 1988; emergency amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; emergency amendment at 12 Ill. Reg. 20584, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; emergency amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; emergency amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

Section 310. Appendix C - Physician Administrator Rates and Medical Facilities Administrator Rates for Fiscal Year 1991

Title	Minimum Salary	Midpoint Salary	Maximum Salary
Medical Facilities Administrator I Option C	5,965 71,580	7,171 86,052	8,377 100,524
Medical Facilities Administrator I Option D	6,662 79,944	7,898 94,776	9,134 109,608
Medical Facilities Administrator II Option C	6,446 77,352	7,671 92,052	8,896 106,752
Medical Facilities Administrator II Option D	7,403 88,836	8,676 104,112	9,949 119,388
Medical Facilities Administrator III	7,664 91,968 7,664 91,968	8,943 107,316 9,063 108,756	10,222 122,664 10,462 125,544
Medical Facilities Administrator IV	7,789 93,468	9,187 110,244	10,585 127,020
Medical Facilities Administrator V	7,914 94,968	9,312 111,744	10,710 128,520
Physician Administrator I	4,711 56,532	5,781 69,372	6,851 82,212
Physician Administrator II	4,837 58,044	5,935 71,220	7,033 84,396
Physician Administrator III	4,967 59,604	6,095 73,140	7,223 86,676
Physician Administrator IV	5,225 62,700	6,321 75,852	7,417 89,004
Physician Administrator V	5,549 66,588	6,531 78,372	7,513 90,156

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Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991.

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The rates of pay for physicians occupying or appointed to a position in the Physician Administrator classes and the Medical Facilities Administrator classes shall be as listed in the above schedule. All provisions of Subpart C of the Pay Plan, Merit Compensation System will apply to Physician Administrator positions and the Medical Facilities Administrator classes.

(Source: Amended at 15 Ill. Reg. 4401, effective March 11, 1991)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: State Administration of the Federal Community Development Block Grant Program for Small Cities

2) Code Citation: 47 Ill. Adm. Code 110

3) Section Numbers: Adopted Action:
110.10 Amendment
110.30 Amendment
110.40 Amendment
110.50 Amendment
110.60 Amendment
110.70 Amendment
110.80 Amendment
110.90 Amendment
110.91 New Section
110.92 New Section
110.93 New Section
110.100 Amendment
110.105 New Section
110.130 Amendment

4) Statutory Authority: Implementing Section 46.37 and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, pars. 46.37 and 46.42).

5) Effective Date of Amendments: March 11, 1991

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference? Yes, under Section 6.02(a) of the Illinois Administrative Procedure Act.

8) Date Filed in Agency's Principal Office: March 5, 1991.

9) Notice of Proposal Published in Illinois Register: July 13, 1990, 14 Ill. Reg. 10985.

10) Has JCAR issued a Statement of Objections to these amendments? Yes.

A) Statement of Objection: November 30, 1990, 14 Ill. Reg. 19076

B) Agency Response: February 22, 1991, 15 Ill. Reg. 3127

C) Date Agency Response Submitted for Approval to JCAR: January 28, 1991

11) Differences between proposal and final version:

In the table of contents, deleted the underlining from "110.35 Incorporation by Reference".

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

Throughout the rulemaking changed the "14" to "15" for the volume number of the Illinois Register.

Section 110.30

Added the following definitions:

"Entitlement City" shall mean a city designated by the Department of Housing and Urban Development to receive an amount of funds which the city is entitled to receive under the Entitlement Grant Program, as determined by formula set forth in Section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.)."

"Entitlement County" shall mean a county designated by the Department of Housing and Urban Development to receive an amount of funds which the county is entitled to receive under the Entitlement Grant Program, as determined by formula set forth in Section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.)."

Revised the third sentence in the definition of "Resource Leveraging" to read: "The purchase price of underutilized land and buildings may be considered as leveraging as long as the land and/or buildings are functionally and geographically related to the proposed project (e.g., building will accommodate proposed activities, property is located within the applicant's municipal jurisdiction, property will be utilized in the business operation, expanded space will house new employees)."

In line 10 of the definition of "Resource Leveraging", changed "will" to "shall".

Section 110.80

Added another sentence after the first sentence which reads: "The Department shall employ the factors listed in subsection(b)(1)(D) in authorizing a higher grant ceiling for a particular project."

Revised subsection(b)(1)(D)(i) to read: "Project Need - Project need shall be determined using standards found in Sections 110.90(b)(3); 110.91(b)(3)(A),(C),(D), and (E); 110.92(b)(3); 110.93(b)(3); 110.100(c); and 110.105(b), as applicable."

In subsection(b)(1)(D)(ii), replaced "will" with "shall" in line 3 and deleted "the grants management plan," from lines 5 and 6.

In subsection(b)(1)(D)(iii), changed "will" to "shall" in line 2 and added "as set out in Sections 110.90, 110.91, 110.92, 110.93, and 110.105" in line 4 after "activities".

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NOTICE OF ADOPTED AMENDMENTS

Deleted the second sentence of subsection(b)(2) and replaced it with the following language: "Need expressed by interested citizens and local elected officials pursuant to Section 110.10(b)(2)(C), the amount of annual allocation, and a review of past program component usage shall be factors in determining the amount of funds annually allocated to carry out activities. The allocation of funds between program components shall be determined from the following allocation ranges:

- | | |
|---|-----------|
| A) Set-Aside for Emergency Public Facilities -- | 3% - 20% |
| B) Small Business Financing Fund -- | 3% - 20% |
| C) Competitive Housing Rehabilitation -- | 14% - 60% |
| D) Competitive Public Facilities -- | 40% - 60% |
| E) General Economic Development -- | 40% - 60% |

Section 110.90

Inserted the following language in line 3 after circumstances: "e.g., loss of infrastructure due to construction, environmental incidents such as oil spills, ruptured public utility lines, etc."

In line 2 of subsection(a)(3) after "exists", added "(i.e., a serious deficiency exists in a community public facility (or that the community lacks the facility entirely), and problems clearly attributable to the deficiency have occurred such as serious illness, disease outbreak, or serious environmental pollution".

Revised subsection(b)(1) to read: "Funds will be made available on an as needed basis through a noncompetitive process until all funds are obligated."

Section 110.91

The same sentence shown above for Section 100.90(b)(1) has been added to the end of this Section.

Changed "will" to "shall" in lines 3 and 4 of subsection(b)(2) and lines 1 and 2 of subsection(b)(3).

Corrected labeling of subsections"(b)(1)(3)(i),(ii),(iii),(iv), and (v)" to read "(b)(3)(A),(B),(C),(D), and (E)".

Changed "will" to "shall" in line 2 of subsection(b)(3)(A), line 3 of subsection(b)(3)(B), and lines 2 and 5 of subsection(b)(3)(C).

In subsection(b)(3)(C), line 2, inserted "for the past three years and a projected earnings statement" after "statements".

In subsection(b)(3)(D), changed "will" to "shall" in lines 4 and 7.

Section 110.92

Added the following language to the end of subsection(a)(3): ", i.e., a

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

serious deficiency exists in a community public facility (or that the community lacks the facility entirely), and problems clearly attributable to the deficiency have occurred such as serious illness, disease outbreak, or serious environmental pollution".

In line 3 of subsection(b)(1), corrected "Section 110.10(c)" to read "Section 110.100(c)".

Section 110.93

In line 3 after "housing" inserted "in conformity with local housing codes".

In line 3 of subsection(b)(1), corrected "Section 110.10(c)" to read "Section 110.100(c)".

In line 2 of subsection(b)(3), inserted "(c)" after "110.100".

Section 110.100

In the next to last line of subsection(a), placed a space between "subsection" and "(b)".

In the last line of subsection(b)(1), placed a space between "subsections" and "(c)".

In the second line of subsection(b)(2)(A)(iii), changed "projects" to "project's".

In the second line of subsection(b)(2)(A)(iv), changed "applicants" to "applicant's".

In line 5 of subsection(c)(1)(C), line 3 of subsection(c)(1)(D) and line 3 of subsection(d)(1)(D), placed a space after "subsections".

Section 110.105

Deleted the last sentence and replaced it with: "Funds will be made available on an as needed basis through a noncompetitive process until all funds are obligated."

In line 9 of subsection(a)(3), changed "will" to "shall".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

- 13) Will these amendments replace an emergency amendment currently in effect? No.

- 14) Are there any amendments pending on this Part? No.

- 15) Summary and Purpose of Amendments: Proposed amendments serve to update

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

rules entitled "State Administration of the Federal Community Development Block Grant Program for Small Cities". Section 110.10 updates the department's certification requirements for HUD and identifies the location and date of HUD regulations referenced later in the Part. Section 110.30 has been amended to revise, add, and delete definitions applicable to CDAP. Section 110.40 was modified to reflect the current goals of CDAP. Revisions were made to Section 110.50 to reflect updated policy guidance from HUD regarding eligible applicants. Eligible/ineligible projects detailed in Section 100.60 were changed in accordance with the HUD regulations and examples of eligible activities which are typically funded through CDAP have been added. Procedures governing the grant application process (found in Section 110.70) and funding (found in Section 110.80) have been updated. The Set-Aside for Economic Development component has been deleted and replaced by the Set-Aside for Emergency Public Facilities component which provides financial assistance for public works projects that arise outside the annual funding cycle. Section 110.90 has been modified to describe only this one program component. The competitive Economic Development component has been replaced by the General Economic Development component and is described in Section 110.91. This change allows for funding of economic development projects throughout the year rather than on a quarterly basis as was previously required, making it easier for firms to access the program. The Public Facilities and Housing component has been split into two separate components: the Competitive Public Facilities component (addressed in Section 110.92) and the Competitive Housing Rehabilitation component (addressed in Section 110.93). Section 110.100 has been amended to reflect the current application evaluation procedures for the competitive program components (i.e., Public Facilities and Housing Rehabilitation). Provisions governing the Small Business Financing component have been updated and are now provided in Section 110.105. Section 110.130 is being amended to reference 47 Ill. Adm. 10 (Review and Appeal Procedures) rather than the Illinois Administrative Procedure Act.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. John D. Taylor, Deputy Director
Department of Commerce and Community Affairs
Bureau of Program Administration
620 East Adams Street, 5th floor
Springfield, Illinois 62701
(217) 782-6136

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER 1: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 110

STATE ADMINISTRATION OF THE FEDERAL COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM FOR SMALL CITIES

Section	
110.10	Legislative Base
110.20	Purpose and Scope
110.30	Definitions
110.35	Incorporation by Reference
110.40	Federal/State Program Objectives
110.50	Eligible Applicants
110.60	Eligible/Ineligible Projects and Activities
110.70	Grant Application Process
110.80	Funding
110.90	Special Set-Aside for Emergency Public Facilities Component Program
110.91	General Economic Development Component
110.92	Competitive Public Facilities Component
110.93	Competitive Housing Rehabilitation Component
110.100	Application Evaluation for Competitive Public Facilities and Competitive Housing Rehabilitation Components Ranking-System
110.105	Small Business Financing Component
110.110	Administrative Requirements
110.120	Non-discrimination
110.130	Complaint Process

AUTHORITY: Implementing Section 46.37 and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, pars. 46.37 and 46.42).

SOURCE: Adopted and codified at 7 Ill. Reg. 2972, effective March 9, 1983; amended at 7 Ill. Reg. 7898, effective June 21, 1983; amended at 8 Ill. Reg. 16250, effective August 29, 1984; amended at 9 Ill. Reg. 7117, effective May 9, 1985; amended at 9 Ill. Reg. 10702, effective June 28, 1985; amended at 10 Ill. Reg. 10093, effective May 28, 1986; amended at 12 Ill. Reg. 2254, effective January 19, 1988; amended at 15 Ill. Reg. 4410, effective March 1, 1991.

Section 110.10 Legislative Base

a) Federal

- 1) On July 31, 1981, Congress passed the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35). This Act established seven block grant programs, including the Small

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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Cities, or State Community Development Block Grant (CDBG) Program. These block grants replace a large number of programs previously administered by the Federal Government. Although the Housing and Community Development Act of 1974 provided since its inception for discretionary block grants to smaller communities, the Omnibus Budget Reconciliation Act of 1981 made a fundamental change to transfer to the States the power and decision making in awarding block grants to small communities.

- 2) The State Community Development Block Grant Program was enacted as Section 106(d), as amended, of Sec. 304 of Title III of the Act. The Act authorizes state administration of the program to units of general local governments in nonentitlement areas. Those States which elect to administer the program will replace HUD under Subpart I of Community Development Block Grant Regulations (Part 570), and the regulations of Subpart F governing the Small Cities Program administered by HUD will not apply. Throughout this Part references are made to the provisions of 24 CFR 570. These HUD regulations were published September 6, 1988 at 53 FR 34437.

- 3) While the States must follow the statutory requirements concerning the use of block grant funds, the Secretary of HUD will give maximum feasible deference to a State's interpretation of such requirements consistent with the Secretary's obligation to enforce compliance with the intent of Congress.

- 4) If a State elects to administer the program, it must submit each year to the Secretary of HUD, during the month of July before the beginning of each Federal fiscal year (October 1 to September 30), certifications by the Governor as required by the Act. A final statement and certifications are required to be submitted before March 31 during each year in which a State elects to administer the Community Development Block Grant funds for its nonentitlement areas.

b) State

- 1) On August 10, 1981, the Governor designated the Illinois Department of Commerce and Community Affairs as the State administrative agency for the Small Cities Community Development Block Grant Program. On March 23, 1982, the Governor officially notified the U. S. Department of Housing and Urban Development of the State's election to administer the Small Cities Program for nonentitlement communities within the State.

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- 2) As a part of its application, the State certified to HUD that it:

- A) Engages or will engage in planning for community development activities;
- B) Provides or will provide technical assistance to units of general local government in connection with community development programs; and
- C) Will provide; out of State resources; funds for community development activities in an amount which is at least 10 percent of the amounts allocated for use in non-entitlement areas of the State; and
- D) Has consulted with local elected officials from among units of general local government located in nonentitlement areas of the State determining the method of distribution of Block Grant funds.

(Source: Amended at 15 Ill. Reg. 4410, effective March 11, 1991)

Section 110.30 Definitions

"Act" shall mean Section 106(d), as amended, of Section 304 of Title III of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) (42 U.S.C.A. 5301 (1983)).

"Application" shall mean a request for program funds including the required forms and attachments.

"Application in on Behalf Of" shall mean any application submitted by one eligible applicant requesting funds for one or more other eligible applicants.

"Back-Up Applicant" shall mean a local government that has applied to the Department under a competitive category. Although the application was competitive and contained eligible activities, funds were insufficient to award the project under the competitive category. It set aside funds were not available applications would be funded in the competitive categories.

"Community" shall mean any eligible applicant.

"Community Development Assistance Program" shall mean the grant program administered by the Department, initially authorized as the Community Development Block Grant Nonentitlement Program by Title I of the Housing and Community Development Act of 1974, as amended, and subsequently authorized for State administration by

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the Omnibus Budget Reconciliation Act of 1981 for cities and counties except those designated as entitlement areas by the U. S. Department of Housing and Urban Development.

"CDAP Low Interest Subordinated Loan" shall mean a loan provided with Community Development Assistance Program funds which takes a collateral position secondary to a first trust mortgage or deed.

"Department" shall mean the Illinois Department of Commerce and Community Affairs.

"Economic Development" shall mean job creation/retention and the alleviation of economic distress through the stimulation of private investment and community revitalization.

"Eligible Applicant" shall mean any incorporated municipality, township, or county within the State of Illinois, except those designated as entitlement areas by the U. S. Department of Housing and Urban Development.

"Entitlement City" shall mean a city designated by the Department of Housing and Urban Development to receive an amount of funds which the city is entitled to receive under the Entitlement Grant Program, as determined by formula set forth in Section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

"Entitlement County" shall mean a county designated by the Department of Housing and Urban Development to receive an amount of funds which the county is entitled to receive under the Entitlement Grant Program, as determined by formula set forth in Section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

"Financial Feasibility" shall be determined from documentation from other financial servicing institutions (bank commitment letter must state loan terms, amortization schedule, interest rates, and conditions of its participation and the reasons why it cannot finance the entire project), as well as financial statements from the participating firms (3 years) to provide the project's viability and to indicate that the project could not proceed without the infusion of CDAP assistance. Also required will be a cash flow analysis/pro forma statement that projects at a minimum the first year's operations with the proposed loan funds.

"Full-Time Equivalent Job" shall mean 1950 hours of employment in a 12 month period.

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"Grant" shall mean funds received through the Community Development Assistance Program.

"Grant Ceiling" shall mean the maximum amount of funds that an applicant may request in any one application.

"Grant Close Out" shall mean the formal process to document final expenditures, final program results, reconcile final cash payment to the grantee or refund to the grantor and to arrange for the release of liability to the parties of the contract.

"Grantee" shall mean any eligible applicant receiving funds under this program.

"HUD" shall mean the U.S. Department of Housing and Urban Development.

"Illinois Company" shall mean a company that is either doing business in or has committed to do business in Illinois.

"Joint Application" shall mean an application submitted by more than one eligible applicant to complete a single project for the benefit of all those applying.

"Low and Moderate-Income Persons" shall mean those individuals in families where income is 80 percent or less of the county median family income. For economic development, the latest available HUD Section 8 family income limits will be used. Low/moderate income documentation includes wage scales, commitments to hire through local job service agencies and/or unemployed persons. Unemployment is defined as not working but actively seeking work (does not include person under 16 years or retired persons; the definition used is the definition of unemployed put out by the U.S. Department of Labor). Statistics on potential unemployment will not be allowed for the purposes of defining low and moderate income persons to benefit from a proposed project. A project will not be funded if the benefit to low and moderate income persons would be less than 51 percent.

"Minimum Drawdown" shall mean the minimum percentage of grant funds existing grantees must have spent prior to receiving additional grant funds. The minimum percentage is established by the Department on an annual basis.

"Multi-year Commitment" shall mean a project receiving a funding commitment from two to three program years' allocations, with up to two years' funding committed by HUD in previous funding years.

"Public-Guaranteed Loan" shall mean a loan guaranteed by a public

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entity:

"Program Income" shall mean income realized from grant-related activities. Grant-related activities are those eligible activities listed in Section 110.60(a) of this Part.

"Project" shall mean an activity or activities funded by the Community Development Assistance Program with Community Development Block Grant funds.

"Public Guaranteed Loan" shall mean a loan guaranteed by a public entity.

"Recaptured Funds" shall mean funds received from grant-related activities after the grant has been closed out with the Department.

"Resource Leveraging" shall mean a financial contribution. Leveraging may include machinery and equipment brought into the state from another state. The purchase price of underutilized land and buildings may be considered as leveraging as long as the land and/or buildings are functionally and geographically related to the proposed project (e.g., building will accommodate proposed activities, property is located within the applicant's municipal jurisdiction, property will be utilized in the business operation, expanded space will house new employees). In determining if buildings and land are underutilized, for the purpose of resource leveraging, both the appraised value (i.e., an appraisal of property's market value) and a statement from the owner indicating the period of time which land/buildings have not been in use shall be considered. Applicants may count local funds used to pay for salaries of employees administering the project as resource leveraging. Any expenditure of funds prior to grant award or lines of credit will not be considered leveraging. In addition, existing in-state equipment, land, buildings, furnishings, and inventory already owned and paid for by the applicant or the entity on whose behalf the applicant is applying prior to grant award will not be counted as leveraging. Contracts for deed without a due and payable clause or which is an apparent substitute for simple rent will not be counted as leverage. Leveraging may include machinery and equipment brought into the state from another state. However, the purchase price of underutilized land and buildings may be considered as leveraging as long as these are directly related to the project. In determining if buildings and land are underutilized, for the purpose of resource leveraging, both the appraised value (i.e., an appraisal of property's market value) and a statement from the owner indicating the period of time which land/buildings have not been in use will be considered. Similarly, post-project costs

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such as operational expenses will not be counted as resource leveraging. Applicants may count local funds used to pay for salaries of employees administering the project as resource leveraging.

"Special Set-aside Funds" shall mean a separate allocation to fund projects which will: - alleviate an imminent threat to public health and safety; or present unique economic situations. The need for funds must arise outside the normal funding cycle and require immediate attention.

(Source: Amended at 15 Ill. Reg. 4410, effective March 11, 1991.)

Section 110.40 Federal/State Program Objectives

a) In order to ensure that the State administered program meets the intent of the Housing and Community Development Act of 1974, as amended, Congress has required that federal-State administered programs meet at least one of the following three national objectives:

- 1) Benefiting low and moderate-income persons;
- 2) Aiding in the prevention or elimination of slums or blight; or
- 3) Meeting other community development needs that pose a serious and immediate threat to the health and welfare of the community.

b) To complement these federally mandated objectives, the State has established the following specific objectives for the Community Development Assistance Program:

- 1) Strengthening community economic development through the creation of jobs, stimulation of private investment, community revitalization, and tax base strengthening of the tax base;
- 2) Alleviation of economic distress and realizing community economic development opportunities of benefit to low and moderate-income individuals;
- 3) Elimination of slums and blight and the prevention of blighting influences and the deterioration of property and neighborhood and community facilities of importance to the welfare of the community; principally for persons of low and moderate income;

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3)4) Improvement of public infrastructure and elimination of conditions which are detrimental to health, safety, and public welfare; and

4)5) Conservation and expansion of the State's housing stock in order to provide a decent home and a suitable living environment for persons of low and moderate income and the developmentally disabled.

(Source: Amended at 15 Ill. Reg. 4410, effective March 11, 1991.)

Section 110.50 Eligible Applicants

a) General Only units of local government can may apply for funding. Municipalities must be less than 50,000 in population. Counties and townships that are not participating in the Urban County Entitlement Program of the U.S. Department of Housing and Urban Development are also eligible to apply for block grant funds.

b) Because of eligibility requirements and administrative capacity, certain unincorporated areas and special districts may not qualify for participation by themselves. In such instances, counties will be allowed to submit applications in on behalf of otherwise ineligible special districts communities and unincorporated areas. A county in this situation is limited to a single application submission that may include projects in behalf of smaller communities as well as other county project activities that would be located in unincorporated areas.

c) In situations where two or more eligible local governments face a common community development problem, a joint application can may be submitted under the following conditions:

- 1) the solution of the problem requires mutual action and is not intended for administrative convenience; and
- 2) the eligible local governments involved have contacted the Department of Commerce and Community Affairs for prior approval of such an arrangement before actual application submission.

d) An "on behalf of" or joint application may not be filed for an entitlement city or a city located in an entitlement county.

e) In the event that either an "on behalf of" or joint application will be filed, the local governments involved must submit an executed cooperation agreement with its application for funds that define grantee responsibilities, should the application be successful.

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(Source: Amended at 15 Ill. Reg. 4410, effective March 11, 1991.)
Section 110.60 Eligible/Ineligible Projects and Activities

- a) Eligible Projects and Activities - Eligible activities are detailed in 24 CFR 570.201 (49831988). Activities assisted by this program may include the following: The following are examples of eligible activities as local community development projects:
- 1) Economic Development - provision of assistance to private for-profit or not-for-profit businesses for such activities as land acquisition, public facilities and improvements in support of economic development (such as, water, sewer and utility lines); acquisition, construction, rehabilitation; or installation of commercial and industrial buildings/facilities; capitalization of a local development corporation/machinery and equipment; and working capital expenses, and advertising/marketing expenses.
 - 2) Public Facilities or Services and Improvements - acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements e.g., Water and sewer facilities, including storm sewers, solid waste disposal facilities; flood retention and drainage facilities; non-residential senior centers that provide services such as nutrition programs, health-care services or social services; non-residential centers for the handicapped; e.g., a sheltered workshop; neighborhood facilities designed to provide health, social, recreational or similar community services for residents of a particular target area or neighborhood; street improvements, including street lighting; traffic signals; curbs; gutters; sidewalks; and ramping for the handicapped; public facilities; other than water and sewer that meet the specified Federal requirements; acquisition of real property necessary to install or improve public facilities (right-of ways, easements, etc.); parks, playgrounds; and other recreational facilities; land acquisition for eligible public facilities; fire protection facilities; parking facilities; public utilities other than water or sewer; river reclamation; flood and drainage; parking lots; solid waste disposal; recycling or conversion facilities; removal of architectural barriers to provide access to the handicapped; clearance/demolition activities; improvements to private utilities that involve public purchase and/or directly benefit low and moderate income persons; and public services that directly support other physical development activities funded through this program (limited

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by the U.S. Congress to 15% of any local government's total program budget; and other public facility activities not excluded in 110.60(b).

- 3) Housing Rehabilitation and Preservation - provision of assistance in support of low to moderate-income housing, including real property acquisition; rehabilitation, clearance, demolition, and/or removal of privately-owned buildings and provision of site improvements such as connection of residential structures to water or sewer lines and improvements; rehabilitation of publicly-owned or acquired properties for use or resale in the provision of assisted housing; provision of public facilities to increase housing opportunities; financing the rehabilitation of privately-owned residential or mixed-use properties through either loan or grant programs; provision of housing assistance activities for the physically and/or mentally disabled; certain types of housing modernization; temporary relocation assistance; and code enforcement; historic preservation activities; and grants to non-profit organizations to assist in the development of housing opportunities for the elderly.
 - 4) The remaining major eligible cost category under the Community Development Assistance Program is general program planning and administration. This area covers the local government operational costs involved in preparing a local program. It includes costs involved in preparing the environmental review; preliminary engineering, planning, and design fees for the project; the cost of the local program audit; and other contractual costs for professional services that are associated with the administration of the program. It excludes all pre-program costs, such as payment or reimbursement of application preparation fees, costs associated with conducting a local survey, etc. There is a 10% ceiling placed on general program planning and administration costs for any local program.
- b-1) Ineligible Projects and Activities -
- 1) Generally, any type of activity not described or referred to in Section 110.60(a) is considered ineligible. Ineligible activities are detailed in 24 CFR 570.207(49831988).
 - 2) The following is a selective list of examples of projects and activities that are generally ineligible: buildings used predominantly for the general conduct of government (e.g., city halls, courthouses, jails, police stations,

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etc.). This does not exclude removal of architectural barriers and historic preservation. General government expenses; political activities; purchase of construction equipment and purchase of equipment, fixtures, motor vehicles, furnishings, or other personal property not an integral structural fixture is generally ineligible. However, CDAP funds may be used to purchase or to pay depreciation or use allowances for such items when necessary if the administration of activities was assisted with CDAP funds. The costs associated with operating and maintaining public facilities and services are generally ineligible. New housing construction is ineligible, except as provided under the last resort housing provision set forth in 24 CFR, Part-42 (1983), or, when carried out by a subrecipient pursuant to 570.204(a)(2) of the Act; income payments for housing or any other purpose (e.g., income maintenance, housing allowances, down payments, mortgage subsidies, etc.) All activities as listed in 24 CFR Part 570.201 through 206 (1983) are eligible.

(Source: Amended at 15 Ill. Reg. 4410, effective March 11, 1991)

Section 110.70 Grant Application Process

a) Upon request, the Department of Commerce and Community Affairs will supply local governments with an application package. Applicants shall complete the package in accordance with the instructions and schedule annually established by the Department. Applications will be reviewed and ranked on a competitive basis. The review and ranking process will take approximately seventy-five (75) days, with grant awards being announced at the end of that period.

b) To maximize local input in the development of the applicant's project proposal, a minimum of one public meeting must be held prior to the submission of the any application to the Department. This meeting, and its specific time, location, and topic(s) must be published at least seven days in advance in the non-legal section of a newspaper that is in general circulation within the community. Subsequent to such meeting(s), a resolution of support from the local governing body must be passed that authorizes the local government to apply for funds. If an applicant plans to utilize grants funds as a loan mechanism, discussion should be held at the public meeting to determine the planned uses of the recapture funds.

c) Applicants must provide evidence (i.e., newspaper clipping of notice of hearing and a summary of comments presented at hearing) that one public hearing was conducted on at least an annual basis

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prior to the applicant's first application submitted in any program year. This is in addition to the public hearing specified in subsection(b).

d) Applicants must submit a plan for minimizing displacement regardless of how CDAP funds are used pursuant to 24 CFR 570.606(b) (1988).

(Source: Amended at 15 Ill. Reg. 4410, effective March 11, 1991)

Section 110.80 Funding

a) Distribution of Funds - Distribution of grant awards will be made according to the application evaluation process ranking system described in Sections 110.91, 110.92, 110.93, 110.100, and 110.105 of this Part. Applications will receive a rating in the two areas of Community Need and Project Benefit. The first area will be designed to look at the characteristics of the community itself (such as extent of poverty, unemployment rate) to help assure that the neediest localities are funded. The second area, Project Benefit, will focus on the proposed project in terms of how well it will address the community's problems in the areas of economic development, housing, or public facilities. The details of how applicants will be ranked in these two major areas will be developed by the Department and reviewed on an annual basis (refer to Section 110.100). Up to twenty-five percent (25%) of total program funds will be reserved for the Special Set-Aside Fund. The specific amount of the special set-aside will be announced annually in the Department's Application Guide.

b) Other Funding Considerations

1) Grant Ceilings: Grant ceilings establish the general limits that may be requested. The Department shall employ the factors listed in subsection(b)(1)(D) in authorizing a higher grant ceiling for a particular project. Individual grants will be funded only in amounts commensurate with the requirements of the proposed project. The Department will set the following maximum grant ceilings for applicants:

A) Category Components	Grant Ceiling
i) General Economic Development (competitive program)	\$400,000
ii) Competitive Public Facilities and Housing (competitive program)	\$400,000

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- iii) Competitive Housing Rehabilitation \$400,000
- iv) Set-Aside Program for \$100,000 \$-200,000
Emergency Public Facilities
- v) Small Business Financing Program \$100,000

B) A local governments may receive only one grant award under the program components of Competitive Public Facilities and Competitive Housing Rehabilitation and they may receive a grant award in each of the following categories: public facilities and housing; competitive economic development; --- However, communities may receive more than one grant award in the set-aside and small business financing program are limited to submitting one application under the Competitive Public Facilities and the Competitive Housing Rehabilitation components in any one program year.

C) While grant ceilings establish the general limits that may be requested, individual grants will be funded only in amounts commensurate with the requirements of the proposed project. In determining appropriate individual grant amounts, the Department will consider population factors, needs, type of activities, and applicant's ability to carry out the proposed program. On occasion, the Department will review the technical feasibility of a project. If the review requires non-Departmental expertise (e.g., engineering review water and sewer permits), the Department will coordinate with other agencies (e.g. Environmental Protection Agency (EPA), Department of Public Health (DPH), Farmers Home Administration (FmHA)) to review the technical feasibility of the project. If as a result of that review, a lesser amount of funding is determined to be appropriate, it may be necessary for the applicant to submit a revised application reflective of the technical review.

D) In determining appropriate individual grant amounts the Department will consider the following:

- i) Project Need - Project need shall be determined using standards found in Sections 110.90(b)(3), 110.91(b)(3)(A),(C),(D), and (E); 110.92(b)(3);

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110.93(b)(3); 110.100(c); and 110.105(b), as applicable.

ii) Ability to Carry Out the Project - Determination of the ability to successfully complete the proposed project shall be based upon elements such as previous program performance, experience, and scope of the proposed program.

iii) Proposed Activities - A review of the proposed activities shall be based on a determination of whether the program objectives will be met through the proposed activities as set out in Sections 110.90, 110.91, 110.92, 110.93, and 110.105.

2) Standards for Program eCategory eAllocation: The Department shall determine the amount of funds annually allocated to carry out activities in accordance with each of the community development assistance program categories. The allocation of funds between program categories shall be expressed by interested citizens and local elected officials pursuant to Section 110.10(b)(2)(C), the amount of annual allocation, and a review of past program component usage shall be factors in determining the amount of funds annually allocated to carry out activities. The allocation of funds between program components shall be determined from the following allocation ranges:

- | | |
|---|---|
| A) <u>Set-Aside for Emergency Public Facilities</u> | -- 3% - 20% |
| B) <u>Small Business Financing Fund</u> | -- 3% - 20% |
| C) <u>Competitive Housing Rehabilitation</u> | -- 14% - 60% |
| D) <u>Competitive Public Facilities</u> | -- 40% - 60% |
| E) <u>General Economic Development</u> | -- 40% - 60% |
| A) <u>15% for the Set-Aside Program</u> | |
| B) <u>7% for the Small Business Financing Program</u> | |
| C) <u>39% for the Public Facilities and Housing Program</u> | |
| B) <u>39% for the Economic Development Program</u> | |
| 3) <u>Population</u> | -- The relationship of population to the amount |

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of--project--funds--requested--will--be--assessed--by--the Department--This assessment will include, at a minimum, the relationship of the applicants population to that of its proposed project area:

4) Need--Determination of the severity of the need for the proposed project will be based on generally available facts and data, along with the applicant's ability to meet the need through other sources of funds:

5) Proposed Activities--The Department will review projects and/or activities to eliminate those that would alleviate the problems of only a small segment of the total population needing assistance:

6) Ability to Carry Out the Project--The Department will determine whether the applicant is capable of completing the proposed project successfully based on previous program performance, experience, completion of the grant management plan, and the scope of the proposed program:

3)7) Environmental Clearances: Upon actual grant award, a technical review of non-exempt activities must be completed, if required under 24 CFR 58 58.15, -58.34 and 58.35 (1983/1984).

4)8) On-Site Visits: The Department's program staff will conduct field visits of potential grantees under the Competitive Public Facilities and Competitive Housing Rehabilitation components prior to final grant decisions.

e) Completion of these application requirements must occur before any of these grantees will be awarded funds through the State-administered program:

(Source: Amended at 15 Ill. Reg. 4410, effective March 11, 1991)

Section 110.90 Special Set-Aside for Emergency Public Facilities Component Program

a) Community Development--Assistance--Program--Special--Set-Aside--Certain types of conditions, such as natural disasters or other unique circumstances e.g., loss of infrastructure due to construction, environmental incidents such as oil spills, ruptured public utility lines, etc. and unique permanent job creating opportunities for low and moderate income people, do not lend themselves well to a designated (yearly or quarterly) application cycle. In order to better respond to severe public works economic problems, unique job creation opportunities for

low--and--moderate--income--people--and--natural--disasters--the Department will set aside up to twenty five percent (25%) of the total allocation of block grant funds--This set-aside of funds will be made available on an "as needed" basis. In other words, there is no application deadline for this set-aside. Awards could be made to communities that are faced with an imminent immediate threat to health and safety resulting from a natural catastrophe, or with economic conditions that threaten a massive loss of jobs due to a commercial or industrial business's inability to expand or upgrade existing infrastructure--Awards could also be made to communities that present unique job creation opportunities for significant numbers of low--and moderate income persons. If no situations arise which warrant this type of assistance, the set-aside funds will be reallocated before at the end of the program year to the competitive public facilities component local governments that were designated as back-up applicants through the regular competition.

a) Project Eligibility Criteria - For a project to be eligible for funding under this component, applicants must document the following:

1) At minimum, 51 percent of those benefitting from the project will be low to moderate income persons (as defined in Section 110.30 of the Part):

2) At minimum, 25 percent of project costs will be paid from other non-department funds. Examples of other funding sources may include FmHA, EPA or local funds;

3) A serious and urgent threat to the health and safety of community residents exists, i.e., a serious deficiency exists in a community public facility (or that the community lacks the facility entirely), and problems clearly attributable to the deficiency have occurred such as serious illness, disease outbreak, or serious environmental pollution. The community must substantiate that the situation was unforeseen; and

4) The project is ready to proceed and expend funds and the project addresses the identified problem.

b) Qualifications for imminent threat status--in order for a community to be considered for funding for imminent threats to health and safety, the community must be first declared a disaster area by the President--After designation as a disaster area, the community petitions the Department of Commerce and Community Affairs for grant assistance. Departmental staff will investigate existing conditions--The

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decision-of-the-Department-of-Commerce-and-Community-Affairs-is final--Grants--will--be--generally--limited--to--eligible public-sector--activities--The--eligibility--of--certain private-sector-reconstruction-activities--will--be-reviewed-on-an individual-project-basis--Such-projects-must-involve-substantial employment-of-low-and-moderate-income-persons--Grant-awards-will have-a-grant-ceiling-of-\$250,000-unless-the-Department-determines that-extenuating-local-circumstances-necessitate-a-higher-grant ceiling--The-actual-funding-level-will-be-determined-by-the local-circumstances-and-the-availability-of-other-sources-of assistance-for-the-community--These-grants-can-only-be-made-to-a general-unit-of-local-government--and-the-community-must-first exhaust-all-other-available-federal-resources-

b) Application Review and Approval

- 1) Funds will be made available on an as needed basis through a noncompetitive process until all funds are obligated.
- 2) Applications shall be prepared and submitted to the Department as specified in Section 110.70 of this Part.
- 3) Applications shall be reviewed in accordance with Section 110.100 of this Part.

c) Qualification for Unique-Economic-Condition-Status:

- i) In-order-for-a-community-to-receive-funding-for-an-economic development-project--the-community-must-make-application-to the-Department-of-Commerce--and-Community-Affairs--and substantiate-that-a-situation-exists-in-which-a-significant portion-of-jobs-would-be-lost-unless-certain-actions-were taken--The-community-must-quantify-and-describe-the effects-of-the-job-in-terms-of-unemployment--reduction-of the-tax-base-or-by-other-economic-indicators--it-must-also verify-that-unless-this-assistance-is-received--the-jobs would-be-lost.

- 2) Grant-awards-are-also-available-for-communities-to-provide assistance-to-commercial-or-industrial-ventures-that-would create-large-numbers-of-jobs-for-individuals-of-low-and moderate-income--Emphasis-will-be-placed-on-awards-that:

- A) create--or--retain--large--numbers--of--jobs--for--a comparatively-small-amount-of-dollars; and
- B) help-attract-sizeable-private-investment-in-those instances-where-that-investment-would-not-have-taken place-without-the-grant--The-funding-could-be-used

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to--provide/improve--public--facilities--to--further economic-development-(e.g.,-water-or-sewer-lines);-by supporting-private-sector-activities-such-as-employee training-or-plant-construction--Grant-awards-will-be made-to-eligible-local-governments-for-them-to-use-in support-of-economic-development-or-to-pass-through-to the-private-sector--as-a-loan-or-grant--or--a combination--thereof--Firm--and--legally-binding commitments-to-create-or-retain-jobs-must-exist-- Projects-that-involve-intra-state-transfers-of-jobs from-one-part-of-the-state-to-another-are-eligible for-funding-assistance-unless-unique-circumstances exist--Projects-that-involve-intra-state-transfers of-jobs-from-one-part-of-the-state-to-another-are ineligible-for-funding-assistance-unless-unique circumstances-exist--If-it-is-determined-that-other avenues-are-more-appropriate-or-have-not-been approached--the-application-will-be-denied--All decisions-by-the-Department-of-Commerce-and-Community Affairs-are-final--Grant-awards-for-economic development-related-projects-will-be-limited-to eligible-activities-and-will-have-a-grant-ceiling-of \$200,000--unless-the-Department-determines-that extenuating-local-circumstances-necessitate-a-higher grant-ceiling-

3)

Proposals-will-be-given-further-consideration-for-funding if--the-applicant-can-document-a-high-ratio--of--jobs created/retained-to-the-amount-of-grant-funds-requested- Also--a-minimum-of-5%--of--persons-benefiting-from-any-of these-projects-must-be-of-low-and-moderate-income-prior-to or-at-the-time-of-hiring-or-project-submission--The applicant-may-document-this-through--the-types-of-jobs-and wage-scales-of-jobs-to-be-created--the-existing-salary levels-of-employees-to-be-retained--current-employment status--or-other-means--The-projected-wage-scales-of-jobs to-be-created-need-not-be-used-in-the-low-and moderate-income-persons--definition--if--the-applicant documents-how-it-will-make-efforts-to-hire-such-persons (i.e.,-those-currently-unemployed--Job-Training-Partnership Act-eligible--local-unemployment-survey--use--of--job Service/local-unemployment-office)--HUD's-Section-8-income guidelines-(median-income-by-household-size-and-county) will-be-used-to-calculate-this-figure--Other-methods-of documenting--this--statistic--must--be--approved--by--the Department-prior-to-application-submittal-

d) Waiver-Provisions

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1) In the event that a local government has met all qualifications under the imminent threat status (Section 110-90) and is either:

i) Obtaining and keeping on file for verification the Family Income Verification Form which includes an employee's social security number, signature and family income or

A) in the process of applying for regular program funds; or

B) has its application already under review by the Department, program rules shall be relaxed under both the Unique Economic Condition and Imminent Threat categories to accommodate for such disasters. In such qualifying instances, the application-submittal deadline shall be waived by the Department of Commerce and Community Affairs, and the local government(s) involved will be allowed to modify its application under the competitive program to reflect the immediate needs prompted by the natural disaster under either category of the set-aside. Regarding application review, the Department will accelerate the process of ranking these special applications.

2) In the event that set-aside funds beyond these above measures will be requested under either the unique economic conditions and/or imminent threat categories, all other available federal resources must first still be exhausted before application can be made under the Special Set-Aside Program.

(Source: Amended at 15 Ill. Reg. 4410, effective March 11, 1991)

Section 110.91 General Economic Development Component

The general economic development component is available to assist communities to attract or expand local industry. The program provides low interest subordinate loans or public infrastructure grants to projects that create or retain jobs primarily for low to moderate-income workers. This assistance can be made to both private "for-profit" and "not-for-profit" organizations. Funds will be made available on an as needed basis through a noncompetitive process until all funds are obligated.

a) Project Eligibility Criteria - For a project to be eligible for funding under this component, applicants must document the following:

1) At minimum, 51 percent of those benefitting from the project will be low to moderate-income persons (as defined in Section 110.30 of this Part).

A) The benefit of job creation shall be documented in

ii) Accepting employment referrals from the Job Training Partnership Act (JTPA).

B) The benefit of the job retention of existing employees shall be documented by completing a Family Income Verification Form for each employee. These forms must be submitted at the time of application.

2) The financial feasibility of the project and how program objectives will be met through proposed activities. Participating businesses must submit supporting financial data.

3) If a start-up project is proposed, a 20 percent commitment of equity included in the leveraging.

4) For public infrastructure projects in support of economic development, when the improvements are to take place in an area that is residential in character, that the area is comprised of at least 51% low to moderate-income persons. Applicants must further certify that any future hook-ups to the public improvements made with program funds will benefit primarily low to moderate-income persons (51% or more) pursuant to 24 CFR 570.208 (1988).

b) Application Review and Approval

1) Funds will be made available on an as needed basis throughout the year.

2) Applications shall be prepared and submitted to the Department as specified in Section 110.70 of this Part. Complete applications shall be reviewed and evaluated by Department staff. Applicants shall be notified of deficiencies and given the opportunity to correct such deficiencies through submission of additional documentation.

3) The evaluation of projects shall be conducted to assure compliance with 24 CFR 570.203 (1988) and shall also address the following criteria:

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- A) Project Need - Need for and use of program funds should be detailed. This evaluation shall include a review of all sources and uses of funds and an analysis of the borrower's ability to repay the funds and the need for and extent of public funding.
- B) Project Readiness - The applicant must demonstrate project readiness through a description of all activities. This shall include commitment from all lenders and investors, signed and dated.
- C) Financial Evaluation - The company's financial statements for the past three years and a projected earnings statement shall be reviewed to determine liquidity/debt coverage; ability of the company to manage debt; business trends; and projected earnings. This data shall be compared to similar data for companies in the same industry using the "RMA Annual Statement Studies" published by Robert Morris Associates, P.O. Box 8500, S-1140, Philadelphia, PA 19178 (1988), or a comparable source if such industry is evaluated by this source.
- D) Commitment for Job Creation/Retention - Firm written assurances from the company must identify the number of jobs created/retained in a specified period of time and the specific number that shall be low to moderate-income and the methodology to be used to document low to moderate-income benefit. This review shall also include a determination of the numbers of jobs created/retained in relation to the amount of program funds. Preference is given to projects showing a program investment of \$5,000 per job. The investment per job shall not exceed \$8,000 per job.
- E) Resource Leveraging - The ratio of other (non-CDAP) funds to total CDAP funds being invested in the project will be considered. The evaluation threshold is a 2:1 ratio. The CDAP investment shall not exceed a 1:1 ratio.

(Source: Added at 15 Ill. Reg. 4410, effective March 11, 1991)

Section 110.92 Competitive Public Facilities Component

The competitive public facilities component is designed to fund public facilities projects that propose to alleviate a serious threat to public health and safety. Applicants must demonstrate that a serious deficiency exists with an emphasis upon helping persons of low to moderate-income.

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Applications are due on an annual basis.

- a) Project Eligibility Criteria - For a project to be eligible for funding under this component, applicants must document the following:
- 1) At minimum, 51 percent of those benefitting from the project will be low to moderate-income persons (as defined in Section 110.30).
 - 2) At minimum, 25 percent of project costs will be paid from other non-department funds. Examples of other funding sources may include FmHA, EPA, or local funds.
 - 3) A serious and urgent threat to the health and safety of community residents exists, i.e., a serious deficiency exists in a community public facility (or that the community lacks the facility entirely), and problems clearly attributable to the deficiency have occurred such as serious illness, disease outbreak, or serious environmental pollution.
 - 4) The project is ready to proceed and expend funds and the project addresses the identified problem.

b) Application Review and Approval

- 1) Applications will be accepted once a year on a due date established at the beginning of the program pursuant to Section 110.100(c) of this Part.
- 2) Applications will be prepared and submitted to the Department as specified in Section 110.70 of this Part.
- 3) Applications will be reviewed in accordance with Section 110.100 of the Part.

(Source: Added at 15 Ill. Reg. 4410, effective March 11, 1991)

Section 110.93 Competitive Housing Rehabilitation Component

The competitive housing rehabilitation component targets projects proposing to rehabilitate existing housing stock. The purpose is to provide decent, safe, and sanitary housing in conformity with local housing codes for low to moderate-income persons.

- a) Project Eligibility Criteria - For a project to be eligible for funding under this component, applicants must document the following:

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- 1) Program funds used in the rehabilitation of a residence will benefit 100% percent low to moderate-income persons.
- 2) At minimum, 25 percent of project costs will be paid from other non-department funds. Examples of other funding sources may include FmHA, Illinois Housing Development Authority (IHDA), or local banks.
- 3) That a project plan is presented which documents selection of the area targeted for assistance.
- 4) The project is ready to proceed and expend funds and the project addresses the identified problem.

b) Application Review and Approval

- 1) Applications will be accepted once a year on a due date established at the beginning of the program year pursuant to Section 110.100(c) of this Part.
- 2) Applications will be prepared and submitted to the Department as specified in Section 110.70 of this Part.
- 3) Applications will be reviewed in accordance with Section 110.100(c) of this Part.

(Source: Added at 15 Ill. Reg. 4410, effective March 11, 1991.)

Section 110.100 Application Evaluation for Competitive Public Facilities and Competitive Housing Rehabilitation Components Ranking System

a) Explanation of Application Ranking System

Applicants will compete in a formalized ranking system. Applications will be ranked in three areas: Community-Needs, Project Benefit, Benefit to Low and Moderate-Income Persons, and Resource Leveraging and Financial-Feasibility. Community-need is not a factor in the Community-Development-Assistance-Program Set-Aside-Fund and the Small-Business-Fixed-Rate-Financing-Fund. Community-Needs-factors are designed to target assistance to the most-distressed areas--it is based on calculations involving data which the applicant has no control over--Project-Benefits are based on the effectiveness and design of the project proposal and are totally subject to local discretion in addressing them. Separate and distinct project benefit ranking criteria have been developed for the following programs: Economic-Development Competitive-Program, Housing Rehabilitation and Public Facilities Program, Central-Business-District-Development-Program, Community

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Development-Assistance-Program-Set-Aside-Fund and Small-Business Fixed-Rate-Financing-Fund--Financial-Feasibility-determines a project's ability to succeed based on a financial and credit analysis--financial-Feasibility is not a factor under the Housing and Public-Facilities-Program. The Department will review applications for ranking and selection according to the criteria described in this Section. The Department will then select projects for funding out of the top-ranking projects as determined under Section 110.100 subsection (b)(32) of this Part until all available funds are expended.

b) Criteria for Selection of Applications

- i) Community-Need--The applicants will be ranked according to the three community-need criteria which will be equally weighted--Using the three criteria, the applicants will be placed into one of the following composite categories: maximum, moderate, minimal or no community-need--these categories will be determined on the highest to lowest numerical percentage of need--Based upon natural breaks in the data, categories will be determined.

A) Fiscal-Distress-Indicator:

- i) Fiscal-distress indicator--total--adjusted taxes divided by population x per capita income
- ii) a measure that relates a community's total adjusted taxes to gross community income--(Illinois Department--of--Revenue-----Revenue-Sharing):

B) County-Unemployment--Rate-----the--1986--annualized seasonally-adjusted percentage--(Illinois Department of Labor):

C) Percentage of People in Poverty--poverty percent (Illinois Department of Revenue--Revenue-Sharing) (1980-Census):

1)2) Project-Benefits--This The analysis will evaluate the project benefits need, according to its impact on program needs benefit, benefit to low and moderate-income persons, and resource leveraging utilizing the ranking system for each program contained in subsections (c) and (d).

3) Financial-Feasibility--A credit and financial analysis

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will be conducted on each application, with the exception of Housing and Public Facilities Program applications. A standard credit analysis will determine the liquidity and debt coverage for the project; ability of the company to manage debt; business trends; and projected earnings. This data will be compared to similar data for companies in the same industry using Robert Morris Associates' Annual Statement Studies' (1985) if such industry is evaluated by this source. The analysis will result in a positive determination if the applicant's cash flow is equal to or greater than the debt service.

2)4) Comparative Assessment of Applications

A) The Department will initially screen and identify top ranking CDAP applications. Projects will be ranked in the categories of maximum, moderate, minimum, or no rating as described in subsections(c) and (d). These projects are defined as those that rank high in the overall assessment of community need (does not apply to Set-Aside and Fixed-Rate Fund) and project benefit. For example, using the criteria listed in Section 110-100(c) through (h) of this Part one project might have a "moderate" impact on meeting economic development needs, a "maximum" low to moderate income persons benefit, and a "maximum" resource leveraging rating. Another project might rank a "minimum", "moderate", and "moderate" for the same three project benefit categories. Maximum ratings do not insure that the project will be funded. The Department will then conduct intensive evaluations, leading to the CDAP grant award decisions. Department staff will conduct field visits and analyze project characteristics, including:

- i) a comparative assessment of projects-e.g., job creation, benefit to minorities, economic development impacts, low and moderate income benefits, resource leveraging, etc.;
- ii) a verification of submitted application information;
- iii) a thorough analysis of projects' financial feasibility the project's readiness to proceed; and
- iv) a determination of the innovative nature of the

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proposed projects applicant's previous efforts to address their problems.

B) Actual funding levels will relate closely to the competitiveness of the proposed projects. Applications will be comparatively ranked according to the criteria described in Section 110.100(b)(1), (2), and (3) of this Part to help determine the final funding levels. The Department reserves the right to negotiate the final funding figures, loan terms, and interest rates. However, the Department will not approve any interest rate lower than that agreed to previously by the company and grantee.

c) Economic Development Program/Project Benefit

i) Impact on Economic Development Needs

A) An Application shall receive a maximum impact rating if it has fully:

- i) Described economic development needs, including needs of low and moderate income persons; Applicant must provide methodology and data sources;
- ii) Proposed activities that directly address the identified needs in quantifiable terms with job benefits that are substantial in relation to the extent of the need and can be completed in the time frame proposed given available project resources;
- iii) Provided letters of assurance from the employment entity regarding the number of permanent jobs to be created or retained for low and moderate income people; type of jobs; wage scales and time frame for job creation;
- iv) Provided additional assurances of project feasibility and firm commitments from all lenders and investors for the non-CDAP portion of the project (to be kept confidential if submitted under separate cover); bank commitment letters must state loan terms, amortization schedule, interest rate, and conditions of its participation and the reasons why it cannot finance the entire project; and the amount of business commitment;

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- B) An application shall receive a moderate impact rating if it only moderately addresses all of or does not fully meet any one of the economic development benefit criteria. Areas described in Section 110-100(c)(1)(A)(iii), (iv), and (v) of this Part however, are of essential importance and must be fully met even to achieve a moderate rating.
- C) An application shall receive a minimal impact rating if it minimally addresses all of or does not fully meet any two of the economic development benefit criteria. However, again, areas identified in Section 110-100(c)(1)(A)(iii), (iv), and (v) of this Part must be fully met.
- B) An application shall receive an insignificant impact rating if it fails to fully meet the standards of Section 110-100(c)(1)(A)(iii), (iv), and (v) of this Part and in addressing the remaining three areas:
- 2) Benefit to Low and Moderate Income Person
- A) Maximum benefit rating shall be received if 81-100 percent of persons benefiting are low to moderate income.
- B) Moderate benefit rating shall be received if 66-80 percent.
- C) Minimum benefit rating shall be received if 51-65 percent, and
- B) No benefit rating shall be received if 50 percent or less.
- E) In order to receive the rating identified in Section 110-100(c)(2)(A) of this Part for this category, all applicants must identify the methodology used to determine the percentage of benefit.
- 3) Resource Leveraging
- A) Maximum resource leveraging rating shall be received if the ratio of private sources to public funds is 2:1.
- B) Moderate leveraging rating shall be received if the ratio is 1-1/2:1.

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- C) Minimum leveraging rating shall be received if the ratio is 1:1, and
- B) No leveraging rating shall be received if the ratio is less than 1:1.
- 4) Jobs/CBAP Dollars Ratio
- A) Maximum ----- under \$3,000 per job created
- B) Moderate ----- \$3,001 -- \$5,999 per job created
- C) Minimum ----- \$6,000 -- \$8,000 per job created
- B) Insignificant ----- over \$8,000 per job created
- C) Public Facilities Program/Ranking Criteria Project Benefit
- 1) Impact on Public Facilities Needs
- A) An application shall receive a maximum impact rating if it has fully:
- i) Identified and documented, by another agency where possible, serious public facility needs or deficiencies;
- ii) Proposed activities which will resolve the deficiencies to the greatest degree possible given the CDAP dollar amount requested;
- iii) Documented that the facility is necessary to alleviate a serious problem which affects the health and safety of the community;
- iv) Demonstrated that all actions have been completed to assure project implementation (e.g. cooperation agreements, assurances, firm financial commitment); and
- v) Documented the financial capability of the community to finance the infrastructure improvement. Documentation must include: complete local government audit reports on the most recent past two years (must include audits of the utility systems); the number of utility users over the past three years, identifying

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the customers and the percentage of the total water revenues their usage represents; user fees for past three, any plans to increase these rates (if applicable), and projected user fees upon completion of the project; and documentation of general obligation or revenue bonds issued to finance utility projects in the past (principal only).

- B) An application shall receive a moderate impact rating if the project only "moderately" addresses the criteria or does not fully meet any one of the criteria in Section--110-100(d)subsections (c)(1)(A)(i) through (v) - of - this - Part. However, Section--110-100(d)subsections (c)(1)(A)(i), (iii), (iv), (v), and (vi) of this-Part must be fully met to achieve a minimal rating.
- C) An application shall receive a minimal impact rating if the project only "minimally" addresses all of or does not fully meet any two of the public facilities benefit criteria. Criteria identified in Section 110-100(d)subsections (c)(1)(A)(i), (iii), (iv), (v), and (vi) of-this-Part, however, must be fully met.
- D) An application shall receive an insignificant impact rating if it fails to fully meet the standards in Section--110-100(d)subsections (c)(1)(A)(i) through (vi) of-this-Part.
- 2) Benefit to Low and Moderate-Income Persons
- A) Maximum benefit rating shall be received if 71-100 percent of persons benefiting are low to moderate-income;
- B) Moderate benefit rating shall be received if 61-70 percent;
- C) Minimum benefit rating shall be received 51-60 percent; and
- D) No benefit rating shall be received if 50 percent or less.
- 3) Resource Leveraging
- A) Maximum resource leveraging rating shall be received if 25 percent or more of the requested CDAP funds

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will be funded from other public/private sources;

- B) Moderate resource leveraging rating shall be received if 15 percent or more of the requested CDAP funds will be funded from other public/private sources;
- C) Minimum resource leveraging rating shall be received if it is documented that, despite the lack of leverage, the community made a concerted effort to secure the additional resources; and
- D) No leveraging rating shall be received if the applicant did not make efforts to secure additional resources--despite its leveraging potential.
- d)e) Housing Rehabilitation Program/Ranking Criteria Project-Benefit
- 1) Impact on Housing Needs
- A) An application shall receive a maximum impact rating if it has fully:
- i) Identified and documented housing and related needs of all tenure types and special population groups (i.e., elderly, handicapped, minorities, etc.);
- ii) Proposed activities which directly relate to and significantly address, with quantifiable and substantial benefit, the identified needs of all tenure types and special populations;
- iii) Demonstrated that all actions have been completed to assure project implementation (e.g. cooperation agreements, assurances, firm financial commitments); and
- iv) Considered and satisfactorily addressed environmental factors and involuntary displacement.
- B) An application shall receive a moderate impact rating if the project only "moderately" addresses the criteria or does not fully meet any one of the criteria described in Section--110-100 subsections(d)(1)(A)(i) through (iv) of this Part. Criteria identified in Section--110-100(e) subsections(d)(1)(A)(i) and (ii) of this Part, however, must be fully met.

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- C) An aApplication shall receive a minimal impact rating if the project only "minimally" addresses the housing benefit criteria. Areas identified in Section 110-100(e) subsections (d)(1)(A)(i) and (ii) of this Part, however, must be fully met to even qualify for the minimal rating.
- D) An aApplication shall receive an insignificant impact rating if it fails to meet the standards of Section 110-100(e) subsections (d)(1)(A)(i) and (ii) of this Part.
- 2) Benefit to Low and Moderate-Income persons
 - A) Maximum benefit rating shall be received if 90-100 percent of persons benefiting are low to moderate-income;
 - B) Moderate benefit rating shall be received if 70-89 percent; and
 - C) Minimum benefit rating shall be received if 51-69 percent; and
 - D) No benefit rating shall be received if 50 percent or less.
- 3) Resource Leveraging
 - A) Maximum resource leveraging rating shall be received if 25 percent or more of requested CDAP funds will be funded from other public/private sources;
 - B) Moderate resource leveraging rating shall be received if 15 percent or more of requested CDAP funds will be funded from other public/private sources;
 - C) Minimum resource leveraging rating shall be received if it is documented that, despite the lack of leverage, the community made a concerted effort to secure the additional resources; and
 - D) No leveraging rating shall be received if the applicant did not make efforts to secure additional resources--despite its leveraging potential.

- f) Community-Development-Assistance-Program-Set-Aside
 - 1) Qualifications-for-imminent-threat-status-

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- A) If conditions exist, such as widespread destruction and the communities or areas involved lack the resources to deal with the disaster, the Governor may then declare the areas a state disaster areas and subsequently request the federal disaster declaration by the President;
- B) In order for a community to be considered for funding for imminent threat to health and safety under the set-aside program, the community must be declared a disaster area by the President (i.e., a federal declaration);
- C) These grants still can only be made to a unit of local government, and the community must first exhaust all available federal resources; and
- B) If funded, grants will be limited to eligible activities and have a ceiling of \$200,000 as described in Section 110-100(b)(1)(A) of this Part;
- 2) Qualifications for unique economic condition status:
 - A) Applications must document that a situation exists in which a significant portion of the community's jobs would be lost or not created unless certain actions were taken;
 - B) Document that job creation and/or retention is an integral part of the project and application and provide such commitments from the business firm;
 - C) A minimum of 51 percent of persons benefiting must be low to moderate income;
 - B) Proposals will be looked upon favorably that have a very high ratio of jobs created/retained to the amount of grant funds being requested--the fewer the grant dollars per job created, the more favorably the proposal will be viewed--the community should seek the leverage of as many other sources of funds as possible, either public or private--to be favorably considered; applicants must leverage at least 50 percent of total project costs from other non-CDAP sources;
 - E) The project should have a comprehensive and substantial community-wide impact in terms of primary (and secondary if applicable) employment, the tax

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base; etc. -- these impacts should be explained and where possible documented;

- F) Proposals also must provide documentation from other financial servicing institutions (bank commitment letter must state loan terms, amortization schedule, interest rates, and conditions of its participation and the reasons why it cannot finance the entire project), as well as financial statements from the participating firms (3 years); to prove the project's viability and to indicate that the project could not proceed without the infusion of CDAP assistance. Also required will be a cash flow analysis/pro-forma statement that projects at a minimum the first year's operations with the proposed loan funds.

g) Small Business Financing Fund-Project-Benefits

- 1) Public-guaranteed loans, which provide fixed rate or blended rate (i.e., combining the CDAP rate with the bank rate to obtain an overall lower rate) financing for 80 percent of project funding;
- 2) A minimum of 51 percent of persons benefiting must be low and moderate income (as defined in Section 110.30 of this Part);
- 3) Proposals also must provide documentation revealing financial feasibility from other financial servicing institutions (bank commitment letter must state loan terms, amortization schedule, interest rates, and conditions of its participation and the reasons why it cannot finance the entire project), as well as financial statements from the participating firms (3 years); to prove the project's viability and to indicate that the project could not proceed without the infusion of CDAP assistance. Also required will be a cash flow analysis/pro-forma statement that projects at a minimum the first year's operations with the proposed loan funds; (as defined in Section 110.30 of this Part);

- 4) Proposals will be looked upon favorably that have a very high ratio of jobs created/retained to the amount of grant funds being requested--the fewer the grant dollars per job created, the more favorably the proposal will be viewed. The community should seek to leverage as many other sources of funds as possible, either public or private. To be favorably considered, applicants must leverage at least 50% of total project costs from other non-CDAP sources.

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(Source: Amended at 15 Ill. Reg. 4410, effective March 11, 1991)

Section 110.105 Small Business Financing Component

The purpose of this component is to help small businesses which need access to low-interest fixed rate financing to create or retain jobs. Funds will be made available on an as needed basis through a noncompetitive process until all funds are obligated.

a) Project Eligibility Criteria - For a project to be eligible for funding under this component, applicants must document the following:

- 1) At minimum, 51 percent of persons benefitting from the project will be low to moderate-income (as defined in Section 110.30 of this Part);
- 2) Program funds will be limited to 20 percent of the total project cost and will not exceed the established grant ceiling pursuant to Section 110.80 of this Part.
- 3) Proposals also must provide documentation revealing financial feasibility from other financial servicing institutions (bank commitment letter must state loan terms, amortization schedule, interest rates, and conditions of its participation and the reasons why it cannot finance the entire project), as well as financial statements from the participating firm to prove the project's viability and to indicate that the project could not proceed without the infusion of CDAP assistance. Also required shall be a cash flow analysis/pro-forma statement that projects at a minimum the first year's operations with the proposed loan funds (as defined in Section 110.30 of this Part);

b) Application Review and Approval -

- 1) The procedures for application review and approval are the same as those specified in Section 110.91(b).
- 2) Proposals will be looked upon favorably that have a very high ratio of jobs created/retained to the amount of grant funds being requested--the fewer the grant dollars per job created, the more favorably the proposal will be viewed. The community should seek to leverage as many other sources of funds as possible, either public or private.

(Source: Added at 15 Ill. Reg. 4410, effective March 11, 1991)

Section 110.130 Complaint Process

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In the event of an Applicant Grantee complaint, the Department will follow the procedures outlined in the Illinois Administrative Procedure Act, as amended, (Ill. Rev. Stat., ch. 127, parts 1015-1018) 47 Ill. Adm. Code 10 (Review and Appeal Procedures).

(Source: Amended at 15 Ill. Reg. 4410, effective March 11, 1991)

ILLINOIS REGISTER

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED RULES

1) Heading of Part: Raffles Conducted by Political Committees

2) Code Citation: 26 Ill. Adm. Code 210

3) Sections Numbers: Adopted Action:

210.10 New Section
210. Appendix A New Section

4) Statutory Authority: P.A. 86-1301, as amended; Ill. Rev. Stat., 1989, Ch. 85, par. 2308.1.

5) Effective Date of Rules: March 16, 1991

6) Does this rulemaking contain an automatic repeal date? No

7) Do these rules contain incorporations by reference? No

8) Date filed in Agency's Principal Office: March 16, 1991

9) Notice of Proposal Published in Illinois Register:

March 16, 1990, 14 Ill. Reg. 3814

10) Has JCAR issued a Statement of Objections to this rule?

No; The Joint Committee has indicated it will not meet to consider these rules within the 45 day Second Notice period. All Joint committee staff recommendations have been accepted by the State Board of Elections.

11) Differences between proposal and final version:

A) Non-substantive changes were made to conform the text to the style requirements of the Administrative Code Division of the Office of the Secretary of the State in the "Authority" and in paragraphs a), b), c), g), and i).

B) The word "may" was replaced by the word "shall" in paragraphs c), d) and e).

C) The word "will" was replaced by the word "shall" in three instances in paragraph i).

D) In paragraph j) all requirements for special reporting of raffle proceeds and expenditures were replaced by a requirement that raffle proceeds and expenditures be

STATE BOARD OF ELECTIONS

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NOTICE OF ADOPTED RULES

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reported on regular reports which would otherwise be required even if no raffle were conducted.

E) Appendix A, the Application Form, deleted Item 7(b), "Ownership of premises", replaced the word "raffles" with "prizes" in item 9, deleted all reference to special reporting, and added blanks for the committee's identification number and the date of its creation.

F) The proposed Appendix B, Report Form DR-1, was deleted in its entirety.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?

The Joint Committee has not issued an agreement letter and has indicated it will not consider these rules within the 45 day Second Notice Period. All Joint Committee staff recommendations have been accepted by the State Board of Elections.

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any amendments pending on this part? No

15) Summary and Purpose of Rule:

Section 210.10 establishes licensure criteria for political committees eligible to conduct games of chance for the purpose of raising funds. To be eligible, committees must have been in existence for one year, have bona fide memberships, include no felons or professional gamblers among their officers and owe the State Board of Elections no fines.

Appendix A prescribes the form of the license application. Application must be made by the committee's chairman or treasurer and be under oath. If the license application is sufficient on its face, a license may be issued. Violations of any provisions of the rule or the statute it implements automatically voids the license.

The purpose of the rule is to discharge the State Board of Election's statutory duty to regulate and supervise the issuance of licenses for political fundraising by means of games of chance under Ill.Rev.Stat., 1989, Ch. 85, par. 2308.1

16) Information and questions regarding these adopted rules shall be directed to:

A. L. Zimmer, General Counsel
State Board of Elections
100 W. Randolph Street, Suite 14-100
Chicago, IL 60601
(312) 814-6440

The full text of the adopted rules begins on the following page:

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED RULES

TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

Part 210
RAFFLES CONDUCTED BY POLITICAL COMMITTEESSection
210.10
210.APPENDIX ALicensing of Raffles Conducted by Political
Application Form

AUTHORITY: Implementing and authorized by "AN ACT to provide for licensing and regulating certain games of chance and amending certain Acts herein named," as amended, (Ill.Rev.Stat.1989, ch. 85 par. 2301 et seq.)

SOURCE: Emergency rules adopted at 14 Ill. Reg. 6907 effective May 1, 1990 for a maximum of 150 days; emergency expired September 28, 1990; adopted at 15 Ill.Reg. 4450, effective March 16, 1991.

Section 210.10 Licensing of Raffles Conducted by Political
Committees

- a) No raffle or other game of chance defined in and authorized by Section 8.1 of "AN ACT to provide for licensing and regulating certain games of chance and amending certain Acts herein named" as amended (hereafter "raffle") shall be conducted unless a license has first been issued for such a purpose by the State Board of Elections (hereafter "the Board").
- b) "Political Committee" as used in this Part shall mean a political committee as defined by Section 9-1.9 of the Election Code (Ill.Rev.Stat., 1989, ch. 46, par.9-1.1).
- c) No political committee, group, association, or other entity shall receive a license to conduct a raffle unless it is a political committee as defined by this Part and Section 9-1.9 of the Election Code, and unless it meets all requirements of Section 8.1 of the Act.
- d) Application for a license to conduct a raffle shall be made on forms provided by the Board and must supply, over the oath of the applicant, all information requested by the application form. The form of the application is set out in Appendix A hereto and is made a part hereof.
- e) Only the chairman or treasurer of a political committee whose names are listed on the committee's D-1 statement at the time the application is filed shall sign the application for a license to conduct a raffle.

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- f) A political committee shall be deemed to have been in existence for one year and to have had a bonafide membership engaged in carrying out its objects if, on the day the application is received at the office of the Board in Springfield, Illinois, one year has elapsed between the date the committee was established, as shown on its current D-1 forms, and the date the application is received.
- g) An officer of a political committee or an employee or person not otherwise disqualified by the Act itself shall be deemed to be of good moral character if he or she has never been convicted of an offense identified in Article 29 of the Election Code, except for Section 29-14, of the Election Code or Section 3 of the Election Interference Prohibition Act (Ill.Rev.Stat., 1989, ch. 46, par. 103); provided that if an officer, employee or person has been convicted of such an offense he or she may nonetheless be deemed of good moral character if at least one (1) year has elapsed between the completion of any sentence, including a sentence of probation, imposed upon such conviction and the date the application is sent to the Board as noted upon the application itself.
- h) The information supplied by the applicant, over his or her oath, if it is complete as to each and every item of the application for which an answer is required, shall be deemed to be presumptively correct and sufficient for the Board to issue a license to the applicant to conduct a raffle.
- i) Any person who has grounds to believe a committee has violated the terms of the Act or of its license may file a complaint before the State Board of Elections to determine whether a license holder remains in compliance with the terms of its license. The Board shall hear such a complaint under the provisions of 26 Ill. Adm. Code 125.Subpart C. The complainant shall prove its case before the Board. Nothing in this Part prohibits the Board from filing a complaint, but unless it does so, the Board shall not act as an advocate for the Complainant. Failure of a committee to abide by the Act and its license voids the license whether or not a complaint is filed.
- j) All receipts and/or expenditures for raffles conducted under this Section and the Act shall be reported on the report next required to be submitted by the committee after each separate raffle under Article 9 of the Illinois Election Code (Ill.Rev.Stat. 1989, Ch. 46, Art

STATE BOARD OF ELECTIONS
NOTICE OF ADOPTED RULES

9) and on such other reports as may be required thereafter by that same article.

STATE BOARD OF ELECTIONS
NOTICE OF ADOPTED RULES

210.APPENDIX A Application Form

FORM DR

LICENSE APPLICATION TO
CONDUCT A RAFFLE

1. Name and address of political committee.

2. Type of Committee (Check One) State Local

If Local, activity in which county(ies)

State Local

If State & Local, activity in which county(ies)

3. Name and address of officers.

A. Chairman

Phone Number:

B. Treasurer

Phone Number:

4. Name and address of individual(s) responsible for the conduct of the raffle.

5. Location(s) which raffle chances will be sold or issued.

6. First and last dates for sale of raffle chances.

7. (a) Location(s) at which winning chance(s) will be determined.

8. Date(s) of determination of winning chance(s).

Date:

Briefly describe the prizes:

The undersigned hereby swear and affirm that _____ is organized as a political committee in Illinois as required by Chapter 46, Article 9, Illinois Revised Statutes, An Act to Regulate Campaign Financing and is eligible to receive a raffle license as prescribed by law and further, that the above stated facts are true. We acknowledge the receipt of copies of P.A. 86-394 and of Illinois Adm.Code. Sec.210.10 and agree to comply with all provisions included therein. We understand that failure to abide by the Act shall void any license granted to this committee.

Chairman (Signature) _____ For Office Use Only
Identification No. _____

Treasurer (Signature) _____ Date of Creation: _____

Subscribed and Sworn to Approval _____ (Date)
before me this _____
day of _____, 19____.

Notary Public _____ (Signature)

- 1) Heading of Part: Rules and Rate Filings
- 2) Code Citation: 50 Ill. Adm. Code 754
- 3) Section Number: 754.EXHIBIT C
Adopted Action: Amended
- 4) Statutory Authority: Implementing Articles VII-A and XXVI of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, pars. 735A and 1028 et seq.) and authorized by Section 401(a) of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, par. 1013).
- 5) Effective Date of Amendments: March 6, 1991
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: February 20, 1991
- 9) Notice of Proposal Published in Illinois Register: September 1, 1990, 14 Ill. Reg. 15238
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Difference(s) between proposal and final version: No substantive changes have been made.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: These amendments are being made to get a better spread of cities for premium comparisons.
- 16) Information and questions regarding this adopted amendments shall be directed to:

Robert Heisler, Asst. Deputy Director
Property and Casualty Compliance Section
Department of Insurance
320 West Washington
Springfield, Illinois 62767

The full text of the Adopted Amendments begins on the next page.

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER I: ADVISORY ORGANIZATIONS

PART 754
RULES AND RATE FILINGS

Section	
754.10	Companies Must File
754.20	Other Company Filings
754.30	Documentation - Individual Risks
754.40	Submission of Filings
754.50	Prohibited Acts and Practices
754.EXHIBIT A.	Summary Sheet (Form RF-3)
754.EXHIBIT B.	Automobile Annual Premium Comparison (Form RF-4)
754.EXHIBIT C.	Homeowners Annual Premium Comparison (Form RF-5)

AUTHORITY: Implementing Articles VII-A and XXVI of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, pars. 735A and 1028 et seq.) and authorized by Section 401(a) of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, par. 1013).

SOURCE: Filed September 9, 1975, effective September 30, 1975; amended at 4 Ill. Reg. 26, p. 164, effective July 1, 1980; codified at 7 Ill. Reg. 3458; amended at 13 Ill. Reg. 1542 effective January 23, 1989; amended at 14 Ill. Reg. 5793, effective April 6, 1990; amended at 15 Ill. Reg. 4458, effective March 6, 1991.

NOTICE OF ADOPTED AMENDMENTS

Section 754. EXHIBIT C Homeowners Annual Premium Comparison (Form RF-5)

NOTICE OF ADOPTED AMENDMENTS

Section 754. Exhibit C
Homeowners' Annual Premium Comparison (Form RF-5)[illegible]

Coverage	HO-2 and 3-One-Family Dwelling, 20 years old \$250 Deductible \$100,000 Personal Liability \$1,000 Medical Payments					
Construction	Frame					
Forms	HO-2		HO-3		HO-4	
Limits	\$70,000	\$120,000	\$70,000	\$120,000	\$30,000	\$60,000
Aurora						
Chicago*						
Chicago**						
Chicago***						
Danville						
East St. Louis						
Joliet						
Mt. Vernon						
Peoria						
Quincy						
Rockford						
Springfield						
Waukegan						
* 5200 N. Western 80625 ** 2400 W. Roosevelt 80608 *** 7900 S. Ashland 80620						
Effective Date	Name of Company					
	FEIN Number					

DEPARTMENT OF INSURANCE
NOTICE OF ADOPTED AMENDMENTS

[illegible]

(Source: Amended at 15 Ill. Reg. ⁴⁴⁵⁸, effective March 6, 1991)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF MODIFICATION TO MEET THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) The Heading of the Part: Advisory Councils
- 2) Code Citation: 89 Ill. Adm. Code 515
- 3) Section Numbers:
515.400 Modify
515.500 Modify
Action:
- 4) Date Notice of Proposed Rules Published in the Register (if applicable):
June 15, 1990 14 Ill. Reg. 9370
(issue date)
- 5) Date JCAR Statement of Objection Published in the Register:
October 26, 1990 14 Ill. Reg. 17698
(issue date)
- 6) Summary of Action Taken by the Agency:

JCAR objects to DORS' rule entitled "Advisory Councils" (89 Ill. Adm. Code 515), because the rule is incomplete in that it fails to include relevant Departmental policies which are set forth in the Department's by-laws entitled "Independent Living Advisory Council" (ILAC) and "Blind Services Planning Council"(BSPC) outlining the policies of the councils and has not been adopted as rules pursuant to the requirements of Section 5 and 5.01 of the Illinois Administrative Procedure Act (IAPA).

DORS agrees to modify the above-referenced rulemaking by adding the following rules:

515.400(j)(1) Council members shall abstain from any financial vote if the matter concerns a program where the council member is involved.

515.400(j)(2) Council members shall abstain from voting on any matter they feel may be a conflict of interest.

515.500(e)(4) The membership year for the BSPC shall be the same as the calendar year.

DORS believes that all other by laws not contained in rules are either internal to the operation of the board or agency and thus not a rule, are copied from a statute and are thus unnecessary for a rule, or are not authorized by statute.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish this information in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: Ill. Rev. Stat. 1989, ch. 127, par. 2001
(Public Act 82-727, effective November 12, 1981)

2. Summary of information:

Index of Department of Revenue Sales and Excise Tax letter rulings issued for the Fourth Quarter of 1990.

The complete list for the Fourth Quarter of 1990 is as follows:

The ruling letters are listed numerically with a brief synopsis and then indexed by subject area.

Sales and Excise Tax subject headings are as follows:

Agents	Governmental Bodies
Agricultural Producers and Products	Graphic Arts
Assessments	Gross Receipts
Auto Renting Tax	Hotel Operators Tax
Bingo	Interest
Books and Records	Interstate Commerce
Bulk Sales	Itinerant Vendors
C.O.A.D.	Leasing
Certificate of Registration	Liquor Tax
Cigarette Tax	Local Taxes
Claims for Credit	Mandatory Service Charges
Coal Fueled Devices	Manufacturers
Coal Mining Equipment	Manufacturing Machinery and Equipment
Coins & Precious Metals	Medical Appliances
Computer Software	Miscellaneous
Construction Contractors	Motor Fuel Tax
Cooperative Associations	Motor Vehicles
Delivery Charges	Nexus
Distillation Machinery	Non-profit Institutions
Drugs	Occasional Sale
Enterprise Zones	Oil Field Equipment
Exempt Organizations	Penalties
Farm Machinery & Equipment	Pollution Control Facilities
Federal Excise Tax	Prepaid Sales Tax
Financial Institutions	Products of
Food	Photoprocessing

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Property Tax
Public Utility Taxes
Real Estate Transfer Tax
Repairs
Replacement Vehicle Tax
Returns
Rolling Stock Exemption
Sale at Retail
Sale for Resale
Sale of Service
Sellers of Newspapers, Magazines, Etc.
Signature
Special Order
Statute of Limitations
Tax Collection
Tax Increment Financing
Tax Rate
Telecommunications Excise Tax
Temporary Storage
Trade-Ins
Use Tax
Vehicle Use Tax
Vendors

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25¢ per page for each page over one.

The annual publication (all four quarters) is available for \$4.50.

3. Name and address of person to contact concerning this information:

Margaret Forth
Legal Division
101 West Jefferson Street
Springfield, Illinois 62708
Telephone: (217) 782-6996

DEPARTMENT OF REVENUE

1990 FOURTH QUARTER SUNSHINE INDEX

AGENTS

90-0728 10/15/90 When garments are sold by a consignment shop, the tags placed on the garments must contain a disclosure of the name & address of the principal & the names & addresses of the principals must also appear on the sales agent's books & records in order to comply with the disclosure requirements of Section 130.1915(b) and not subject the agent to Retailers' Occupation Tax liabilities.

AGRICULTURAL PRODUCERS & PRODUCTS

90-0846 12/19/90 The farm chemicals exemption includes any chemical product used in the production of crops that are to be sold, or in the production or care of animals that are to be sold or the products of which are to be sold.

CLAIMS FOR CREDIT

90-0720 10/11/90 An unconditional credit memorandum will constitute unconditional repayment for purposes of claims filed to recover Retailers' Occupation Tax paid under a mistake of fact or law.

90-0725 10/15/90 No credit for taxes paid to a dealer on the purchase of a vehicle is available when the manufacturer repurchases the vehicle as the result of arbitration.

90-0751 10/30/90 The Retailers' Occupation Tax Act contains no provision for refunding the sales tax paid by a consumer after there has been a settlement from a manufacturer on a "lemon" automobile pursuant to the New-Car Buyer Protection Act.

90-0838 12/12/90 A claim for credit may be filed when tax has been overpaid to the Department.

COAL MINING EQUIPMENT

90-0686 10/01/90 Material such as lumber, steel, concrete, rock and other building materials, will not qualify for the reduced rate of tax applicable to coal mining equipment.

DEPARTMENT OF REVENUE

90-0746 10/26/90 Coal exploration, mining, off-highway hauling, processing, maintenance and reclamation equipment costing \$250 or more is exempt from the Retailers' Occupation Tax.

COMPUTER SOFTWARE

90-0687 10/01/90 The sale of canned software is subject to the Retailers' Occupation Tax.

90-0715 10/09/90 Sales of canned computer software are subject to the Retailers' Occupation Tax.

90-0801 11/26/90 A license of software will not be a taxable retail sale, so long as the license contains the elements listed in Section 130.1935(a)(1) of the Department's rules.

90-0803 11/27/90 A license of canned computer software is a taxable retail sale unless all of elements required by Section 130.1935(a)(1) of the Department's rules are present in the license agreement.

90-0813 12/03/90 Custom computer software is not subject to tax provided that the elements required by Section 130.1935(c) of the Department's rules are present.

90-0863 12/31/90 One of the requirements of a nontaxable license of software is that another copy of the software will be provided to the licensee at minimal or no charge if the software is lost or damaged.

CONSTRUCTION CONTRACTORS

90-0708 10/05/90 Sales to construction contractors of materials which will be physically incorporated into public improvements, the ownership of which is required to be conveyed to a unit of local government pursuant to a pre-development transfer requirement are exempt from Retailers' Occupation Tax and Use Tax as per 86 Ill. Adm. Code Section 130.2075(e).

90-0714 10/09/90 Sales of materials to construction contractors for incorporation into real estate owned by exclusively charitable, religious or educational institutions or for incorporation into real estate owned by governmental bodies are exempt from tax as per 86 Ill. Adm. Code Section 130.2075(e).

DEPARTMENT OF REVENUE

- 90-0730 10/15/90 Construction contractors must pay tax to their suppliers on purchases of tangible personal property which they will incorporate into real estate.
- 90-0773 11/14/90 Tangible personal property bought outside the State either by Illinois or out-of-State construction contractors or builders in such a way that the seller does not incur Retailers' Occupation Tax liability and used in this State for building purposes is subject to the Use Tax.
- 90-0776 11/16/90 Floor and wall coverings which are permanently affixed measure Use Tax by the contractor.
- 90-0797 11/20/90 When a construction contractor/installer is also the manufacturer of the finished item that he will incorporate into real estate for his customer, the tax base is what such construction contractor pays for the materials that he incorporates into such finished item, plus whatever such construction contractor may pay for nails, screws and other items of tangible personal property that he incorporates into real estate for his customer in the course of making the installation of the finished item.
- 90-0817 12/03/90 This letter describes the exemption set out at 86 Ill. Adm. Code 130.2075(4).
- 90-0849 12/20/90 A supplier claiming exemption under 130.2075(d)(1) shall have among his records a certification from the purchasing contractor stating that his purchases are for conversion into real estate under a contract with a church, charity, school or governmental body identifying the entity by name and address and stating on what date the contract was entered into.
- 90-0855 12/24/90 When a construction contractor-installer is also the manufacturer of the finished item that he will incorporate into real estate for his customer, the tax base is what such construction contractor pays for the materials that he incorporates into such finished item.
- 90-0812 11/30/90 Contact lens products such as wetting and soaking solution, daily cleaner and disinfectant

DRUGS

DEPARTMENT OF REVENUE

- neutralizer, qualify as medicines or drugs subject to the low rate of tax.
- ENTERPRISE ZONES**
- 90-0759 11/05/90 There is a deduction from the Retailers' Occupation Tax for building materials purchased for physical incorporation into real estate located in an enterprise zone if the retailer of the qualifying materials is located in the enterprise zone.
- 90-0832 12/07/90 The Department of Revenue has no authority to limit what kind of tangible personal property a retailer can sell.
- 90-0834 12/10/90 Landscape products incorporated into an enterprise zone are eligible for the exemption available to building materials.
- EXEMPT ORGANIZATIONS**
- 90-0714 10/09/90 Sales of materials to construction contractors for incorporation into real estate owned by exclusively charitable, religious or educational institutions or for incorporation into real estate owned by governmental bodies are exempt from tax as per 86 Ill. Adm. Code Section 130.2075(e).
- FARM MACHINERY & EQUIPMENT**
- 90-0758 11/05/90 This letter applies the farm machinery and equipment exemption to equipment used to blend and transport fertilizer.
- 90-0795 11/20/90 The reference to "State or Federal Agricultural Programs" in Section 2(a-1) of the Retailers' Occupation Tax Act is a reference to the programs commonly known as "set-aside" programs.
- 90-0800 11/26/90 General heating, lighting and ventilation equipment does not qualify as farm machinery or equipment. However, specialty heating or lighting equipment specifically required by the production process, i.e., ultraviolet lights, and special heaters for incubation, can qualify for the exemption.

DEPARTMENT OF REVENUE

FOOD

- 90-0739
10/22/90 Employee meals which are given to restaurant employees are subject to Use Tax at the rate of 1%.
- 90-0827
12/07/90 If a majority of the items sold from a food service truck are food sold for immediate consumption, such food service vendor shall assess sales tax at the high rate.
- 90-0851
12/20/90 Free employee meals measure 1% Use Tax due by provider.

GRAPHIC ARTS

- 90-0742
10/25/90 The exemption for graphic arts machinery and equipment extends to equipment to collate, bind or finish the graphic arts product.

GROSS RECEIPTS

- 90-0692
10/03/90 Where a company redeems coupons they have issued, and no reimbursement from any source is received for the company, the amount of such discount is not subject to Retailers' Occupation Tax.
- 90-0704
10/05/90 Whether a seller must charge tax on shipping and handling charges does not depend upon separate billing, but upon whether the transportation or delivery charges are included in the selling price of the property which is sold or whether the seller and buyer contract separately for such transportation or delivery charges by not including such charges in such selling price.
- 90-0727
10/15/90 A "broken carton charge" or charge for stocking loose sheets which is imposed by a paper company on purchases of small quantities of paper is a cost of doing business and is, therefore, an element of gross receipts subject to the Retailers' Occupation Tax.
- 90-0748
10/27/90 When a taxpayer files on the gross sales basis, it can take a deduction for a bad debts. However, this deduction can only be taken in the month that the bad debt is charged off the books for Federal Income Tax purposes.

DEPARTMENT OF REVENUE

- 90-0766
11/13/90 Costs of doing business are not deductible in calculating ROT liability.
- 90-0772
11/14/90 Gross receipts means all consideration received by the seller except traded-in tangible personal property.
- 90-0775
11/15/90 In order to change from the gross receipts to the gross sales method of accounting, the taxpayer must remit payment to the Department for the tax due on all receivables on the books at the date of the conversion.
- 90-0790
11/19/90 Mandatory gratuities are not included in taxable receipts provided all of the proceeds of the mandatory gratuity are turned over to employees who would normally have received tips had the service policy not been introduced.
- 90-0793
11/20/90 Restaurants incur a Use Tax liability on the cost price of paper products used in lieu of more durable serving items (e.g. paper napkins, paper plates).
- 90-0799
11/26/90 Whether transportation or delivery charges are subject to Retailers' Occupation Tax depends not upon separate billing of such transportation or delivery charges as expense, but upon whether the transportation or delivery charges are included in the selling price of the property which is sold or whether the seller and the buyer contract separately for such transportation and delivery charges by not including them in such selling price.
- 90-0809
11/29/90 Long term automobile lessor can use an automobile coming off-lease as a trade in when purchasing a new automobile for lease purposes.
- 90-0858
12/28/90 Federal Luxury Taxes imposed on certain automobiles, boats, aircraft, furs and jewelry may be deducted from the gross receipts for computing the sales tax because the tax is imposed at the retail level.

INTERSTATE COMMERCE

- 90-0721
10/12/90 In the context of a sale of motor vehicles, if a drive-away decal permit is issued, the

ILLINOIS REGISTER DEPARTMENT OF REVENUE		ILLINOIS REGISTER DEPARTMENT OF REVENUE	
	transaction is exempt from tax even though the customer takes delivery of the vehicle in Illinois.	90-0743	10/25/90 In a true lease situation, the lessor pays tax on his purchase price of tangible personal property purchased for rental purposes.
90-0750	10/30/90 This letter describes the interstate commerce exemption set out at 86 Ill. Ad. Code 130.605.	90-0747	10/26/90 Lease submitted for review is a true lease.
90-0757	11/05/90 Tax is not measured from sales in which delivery is made from a point in Illinois to a point outside of Illinois, when delivered by the seller and not subsequently returned to Illinois.	90-0755	11/05/90 For purposes of the Illinois sales tax laws, lessors are deemed to be the users of items purchased for their rental inventories. The only exception is the renter of automobiles under lease terms of one year or less.
90-0760	11/05/90 The interstate commerce exemption applies only if the seller is obligated, under the terms of his agreement with the purchaser, to make physical delivery of the goods to a point outside of Illinois.	90-0780	11/16/90 Transfer of a lease by retailer of such equipment, along with the title of equipment to a purchaser, results in a taxable transaction based upon the selling price of the equipment.
90-0764	11/09/90 In the case of a sale of tangible personal property originating in Illinois, the sale is not deemed to be in interstate commerce if the purchaser or his representative receives physical possession of the property in this State.	90-0811	11/30/90 A true lease is a lease which has no purchase option for the lessee at the end of the lease term, or if a purchase option exists, the item may be purchased for its fair market value.
90-0778	11/16/90 The sale is not deemed to be in interstate commerce if the purchaser or his representative receives the physical possession of such property in Illinois.	90-0822	12/05/90 Trade-in by lessee does not reduce Use Tax liability on new cars purchased by lessor for purposes of leasing.
90-0814	12/03/90 Illinois Retailers' Occupation Tax does not extend to gross receipts from sales in which the seller is obligated, under the terms of his agreement with the purchaser, to make physical delivery of the goods from a point in Illinois to a point outside of Illinois, not to be returned to a point within Illinois. See 86 Ill. Adm. Code 130.605(b).	90-0823	12/05/90 The lessor of tangible personal property owes Use Tax on his cost price of personalty leased in Illinois. See, 86 Ill. Adm. Code 130.220 and 130.2010.
90-0825	12/07/90 Where an out-of-State purchaser receives physical possession of an item of tangible personal property from an Illinois seller in Illinois, the sale is not deemed to be a sale in interstate commerce.	90-0829	12/07/90 Lessor of tangible personal property under a true lease is deemed to be the user of that property and as a result incurs a Use Tax liability as the acquisition cost of the tangible personal property held for lease.
90-0731	10/15/90 Lessors under true leases are deemed to be the users of tangible personal property which they purchase for rental purposes and incur Use Tax liability based on the cost price of items purchased for rental purposes.	90-0839	12/12/90 With the exception of leases of automobiles for periods of one year or less, Illinois does not tax rental receipts received under true leases. Lessors of items of tangible personal property are considered to be users of that property, and, as such, owe Use Tax when they purchase tangible personal property to be used for rental purposes.
		90-0843	12/14/90 In Illinois, lessors of tangible personal property are deemed to be the users of that property. The only exception is the lessor of automobiles under lease terms of one year or less.

LEASING

LOCAL TAXES

- 90-0690 10/02/90 Effective September 1, 1990, the Illinois Department of Revenue assumed responsibility for administration and collection of locally imposed Retailers' Occupation Taxes and Use Taxes.
- 90-0696 10/03/90 So long as a purchase order is accepted at a retailer's place of business in a home rule municipality that does not impose a tax, or the purchase order is accepted by someone who is working out of such place of business, no local home rule tax is due.
- 90-0707 10/05/90 The general merchandise rate of tax for the City of Chicago effective September 1, 1990, is 8%.
- 90-0716 10/09/90 It is the seller's location, not the location of the purchaser, which determines jurisdiction for purposes of Home Rule Retailers' Occupation Tax liability.
- 90-0719 10/11/90 In order to incur local tax liability, e.g. city, county, RTA, etc., a serviceman must maintain a place of business in the locale which has adopted the local tax.
- 90-0763 11/07/90 Effective 9/1/90, to the extent that an item is exempt from State tax per Section 2 of the Retailers' Occupation Tax, it is also exempt from locally-imposed taxes.
- 90-0767 11/14/90 Effective 9/1/90, the Illinois Dept. of Revenue assumed responsibility for administration and collection of locally imposed Retailers' Occupation Taxes.
- 90-0785 11/19/90 Effective September 1, 1990, retailers who accept purchase orders outside Chicago and who fill those orders from inventory outside Chicago are not responsible for collection of the Chicago Home Rule ROT/UT.
- 90-0792 11/19/90 The Department will assume that a seller accepts purchase orders at its principal place of business in the absence of proof to the contrary.
- 90-0798 11/21/90 Effective September 1, 1990, the Illinois Department of Revenue assumed responsibility for

- administration and collection of locally imposed Retailers' Occupation Taxes.
- 90-0819 12/04/90 Purchase order acceptance is the most important factor in determining what local Retailers' Occupation Taxes are due.
- 90-0821 12/05/90 The amount of taxes collected by the Department for local taxing authorities is reduced by the amount of the allowance (discount) afforded retailers.
- 90-0853 12/20/90 In determining whether there will be liability on the part of a retailer for the Home Rule Municipal Retailers' Occupation Tax, the point at which the property will be used or consumed and the place at which the purchaser resides are immaterial.
- 90-0857 12/24/90 In determining whether there will be liability for Home Rule Municipal Retailers' Occupation Taxes, the point at which the property will be used or consumed and the place at which the purchaser resides are immaterial.
- MANUFACTURING MACHINERY & EQUIPMENT
- 90-0685 10/22/90 This letter applies the manufacturing machinery & equipment exemption to equipment used to edit and duplicate video tapes.
- 90-0702 10/05/90 Hydraulic fluids are supplies and are not exempt as manufacturing machinery & equipment.
- 90-0709 10/05/90 Purchase of chemicals used in a chilling tower to prevent bacterial growth and maintain temperature are supplies and do not qualify for the manufacturing machinery and equipment exemption.
- 90-0754 11/02/90 Supply items such as DeGasser's, Insulating Flux, Anti-Solder Paste, Tap Hole Cones and Post and Ladle Wash do not qualify for the Manufacturing Machinery & Equipment Exemption.
- 90-0769 11/14/90 Burnishing and grinding compounds used in the refining process, i.e. to polish and remove particles from manufactured items, can qualify for the Manufacturing Machinery and Equipment Exemption if they effect a direct change on the items being

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manufactured and if all other elements of the exemption are present.

90-0774

11/14/90 The machinery and equipment used in the operation of cogeneration facilities, qualifies under the circumstances set forth in the letter ruling request, for the manufacturing machinery and equipment exemption.

90-0781

11/16/90 The manufacturing machinery & equipment exemption exempts from tax only machinery and equipment used in manufacturing or assembling tangible personal property for sale or lease.

90-0787

11/19/90 Curing tanks used for process pickles can qualify for the manufacturing machinery & equipment exemption.

90-0794

11/20/90 This letter authorizes the tax-free purchase of machinery under the manufacturing machinery & equipment where the machinery will initially be used in a research & development (taxable) activity but will then be used exclusively in a qualifying manufacturing activity. On balance, the machinery will be used primarily in the exempt activity.

90-0826

12/07/90 The Manufacturing Machinery and Equipment Exemption is available only to machinery and equipment used to produce tangible personal property which will be sold or leased.

90-0845

12/19/90 The manufacturing machinery and equipment exemption does not extend to unpowered hand-held tools.

90-0864

12/31/90 Hand tools do not qualify for the manufacturing machinery and equipment exemption.

MEDICAL APPLIANCES

90-0737

10/18/90 A wig is considered a cosmetic appliance and, consequently, does not qualify for the preferential tax rate applicable to medical appliances.

90-0765

11/13/90 Sales of medical appliances are subject to the low rate of tax.

90-0770

11/14/90 Electrosurgical generators may qualify as medical appliances.

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12/03/90 Sterile gauze sponges and emergency resuscitators can qualify for the reduced rate of tax applicable to medical appliances.

90-0816

12/03/90 Dental prostheses qualify for the reduced rate of tax as medical appliances.

MISCELLANEOUS

90-0722

10/12/90 Where a quarter-monthly payment requirement was mistakenly imposed, a resultant assessment for penalty and interest should be cancelled.

90-0735

10/17/90 The Illinois Criminal Code prohibits lotteries when not conducted by the State of Illinois in accordance with the "Illinois Lottery Law". The operation of a gambling device is also prohibited under the Code.

90-0726

10/15/90 Under the authority of Ill. Rev. Stat. (1989), ch. 120, par. 441a, applications to register must contain the name and address of the person responsible for filing returns and paying tax.

90-0740

10/23/90 Error made by a newly trained employee which result in a sales tax liability is not considered reasonable cause.

90-0784

11/19/90 Items of tangible personal property qualify for exemption not because of their nature but because of the uses to which they are put.

90-0786

11/19/90 Corporate officers or employees of a corporation who are responsible for remitting tax are only liable to the Department if they willfully fail to file returns or to make such payments on behalf of the corporation.

90-0796

11/20/90 Determinations as to points of sale for purposes of State and locally-imposed Retailers' Occupation Taxes are based upon the applicable State law and may not be modified by a local governmental unit.

90-0862

12/31/90 The mere filing of a lien on intangible property and tangible personal property, rather than real property, would not act to fix a priority date. If the Department levied upon the lien, that action would, indeed, set a date for determining priorities.

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However, it would not relate back to the date of filing of the lien.

MOTOR FUEL TAX

90-0698

10/03/90 In the case of a fully automated truck stop, the Department will accept an original monthly statement, in satisfaction of the original invoice requirement, so long as the statement is stamped "paid" and initialed by the supplier.

90-0699

10/03/90 The Department will generally not treat manifests or monthly statements as original invoices for purposes of Motor Fuel Tax claims.

90-0703

10/5/90 Only trucks, road tractors or truck tractors with three or more axles were included in the statutory definition of a "Commercial Motor Vehicle" from September 17, 1982 to September 10, 1987.

90-0724

10/12/90 Owner-operators operating under a long term lease must file and pay their own motor fuel tax as a result of incidental hauling done for their own account outside the scope of the lease, but may not file and pay motor fuel tax due as a result of their long-term lease activities.

90-0733

10/16/90 The use of microfilm for records required by the Motor Fuel Tax Act is not authorized.

90-0771

11/14/90 An automated data process tax accounting system may be used to provide the records required for verification of tax liability. Such ADP System must include a method of producing legible and readable records which will provide the necessary information for verifying such tax liability.

NEXUS

90-0859

12/31/90 Out-of-State book seller selling children's books thru schools, using teachers as sales agents, must collect Use Tax on sales.

OIL FIELD EQUIPMENT

90-0848

12/19/90 Pipe and tubular goods sold by the linear foot qualify for the reduction if the cost of the total length sold in an individual transaction or sale exceeds \$250.

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POLLUTION CONTROL FACILITIES

90-0741

10/25/90 As a general rule, a trash compactor does not qualify for the pollution control facility exemption. However, a compactor that contains a deodorizer device may qualify.

90-0745

10/26/90 Limestone purchased by a company and used to scrub boiler gases in connection with circulating fluid bed boilers and related pollution control equipment is exempt from tax under the pollution control facilities exemption. This result is required by Columbia Quarry Co. v. Department of Revenue, 154 Ill. App.3d 129 (5th Dist. 1987).

90-0841

12/13/90 A pollution control facility is any system, method, construction, device or appliance appurtenant thereto sold or used or intended for the primary purpose of eliminating, preventing or reducing air and water pollution as the term "pollution" is defined in the Environmental Protection Act or for the primary purpose of treating, pretreating, modifying or disposing of any potential solid, liquid or gaseous pollutant which if released without such treatment, pretreatment, modification or disposal, might be harmful, detrimental or offensive to home, plant or animal life or to property.

90-0844

12/19/90 A refuse collection truck, whether or not equipped with a refuse packer, does not qualify for the pollution control facilities exemption.

90-0852

12/20/90 Pollution control facility is any system, method, construction, device or appliance appurtenant thereto sold or used or intended for the primary purpose of eliminating, preventing, or reducing air and water pollution.

PUBLIC UTILITY TAXES

90-0700

10/03/90 Facilities of the IL Department of Military Affairs which are supported by Federal funds are not exempt from the Public Utilities Revenue Act and the Gas Revenue Tax on the basis that sales to such facilities are sales to the United States Defense Department.

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90-0783 11/19/90 Sales of natural gas and electricity are subject to the Gas Revenue Tax Act and the Public Utilities Revenue Act, respectively.

RETURNS

90-0732 10/16/90 When changing from accrual to cash method of tax reporting, taxpayer must employ a "wash-out" procedure.

90-0782 11/16/90 In order for a taxpayer to take a discount for collecting the sales tax, such taxpayer must pay the tax when due. If a portion of the tax is paid when due, the discount is disallowed only as to the unpaid tax.

ROLLING STOCK

90-0752 09/19/90 The Rolling Stock exemption provides that the Retailers' Occupation Tax does not apply to sales of tangible personal property to interstate carriers for hire for use as rolling stock moving in interstate commerce (See 86 Ill. Adm. Code 130.340).

90-0762 11/07/90 In order to qualify for the rolling stock exemption, a transportation vehicle must be used on a regular and frequent basis in interstate commerce.

SALE AT RETAIL

90-0706 10/05/90 Freight forwarders are not subject to Retailers' Occupation Tax unless they engage in the sale of tangible personal property.

90-0718 10/10/90 This letter describes the application of the ROTA to a food service retailer.

90-0768 11/14/90 The sale of motorcycles and mopeds is subject to the Retailers' Occupation Tax.

90-0780 11/16/90 Transfer of a lease by retailer of such equipment, along with the title of equipment to a purchaser, results in a taxable transaction based upon the selling price of the equipment.

90-0788 11/19/90 The ROT is a tax imposed on persons engaged in this State in the business of selling tangible personal property to purchasers for use or consumption. A fee for a computer disaster recovery

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service did not involve a sale of tangible personal property and as a result was not subject to tax.

90-0808 11/29/90 Retailers' Occupation Tax liability is incurred on sales of tangible personal property sold in the course of continuing education seminars.

90-0830 12/07/90 Sale at retail includes any transfer (whether made for or without a valuable consideration) of the ownership of or title to tangible personal property to a purchaser for resale in any form as tangible personal property to a purchaser for resale in any form as tangible personal property when made in compliance with Section 2c of the Retailers' Occupation Tax Act and Section 130.1415 of the Department's rules.

SALE FOR RESALE

90-0695 10/03/90 A valid resale certificate contains the information set forth at 86 Ill. Adm. Code Section 130.1410.

90-0734 10/17/90 In order to document a sale for resale, a valid resale certificate which contains the information set forth in 86 Ill. Adm. Code 130.1410 must be provided by the purchaser to the seller.

90-0789 11/19/90 A purchase for resale may be made tax-free by giving the seller a valid certificate of resale.

90-0806 11/28/90 Although failure to provide an active registration number or resale number on a Certificate of Resale creates a presumption that the sale is not for resale, the presumption may be rebutted by other evidence that all of the seller's sales are for resale or that a particular sale is for resale.

90-0818 12/04/90 Tags or labels may be sold to a retailer on a sale for resale basis if the tags will contain information or language which identifies the product or its ingredients to the ultimate purchaser of the product.

90-0837 12/12/90 The Department's auditors are more likely to look behind a resale certificate which does not contain either an Illinois registration or resale number, but rather contains "other evidence" of the resale situation.

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90-0840 12/13/90 In order to document a sale for resale the purchaser must give the seller a certificate of resale which complies with the requirements of Section 130.1410 of the Department's rules.

90-0856 12/24/90 If cartons & strapping materials in which items of tangible personal property are packed for shipment are transferred to customers together with the ownership of the cartons, strapping materials & the property contained therein, the cartons & strapping materials may be purchased tax-free under a Certificate of Resale.

SALE OF SERVICE

90-0689 10/02/90 If the cost price of tangible personal property transferred incident to a sale of service is less than 35% of the gross receipts from the transaction, the transaction is not subject to the Service Occupation Tax.

90-0691 10/03/90 Effective January 1, 1991, persons who enter into maintenance agreements or service contracts with customers pay tax to their suppliers when they purchase repair parts and don't charge tax to their customers.

90-0694 10/03/90 A serviceman making a sale of service in which the cost price of the tangible personal property transferred incident to the sale of service is less than 35% of the total gross receipts from the transaction, is not subject to the Service Occupation tax.

90-0701 10/04/90 This letter describes the application of the Service Occupation Tax to boarding houses.

90-0705 10/05/90 When a serviceman enters into a maintenance agreement with a customer, the serviceman pays tax on the cost price of tangible personal property to be transferred incident to the maintenance agreement.

90-0713 10/05/90 This letter describes the application of the Service Occupation Tax to several situations involving the sale of leaf collection bags which include hauling a fee in the sales price.

90-0717 10/10/90 Explains the application of the Service Occupation Tax on prescription drugs. Effective on

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March 2, 1990, unless the prescription drugs cost 75% or more of the total gross receipts, the serviceman or pharmacist can pay the sales tax in the form of Use Tax to his supplier. If such drugs cost 75% or more, he must collect Service Occupation Tax on the selling price of the drugs from the consumer.

90-0723 10/12/90 A serviceman below the 35% threshold for the Service Occupation Tax should pay tax to his secondary serviceman on the purchase of tangible personal property either on the selling price of the tangible personal property if separately-stated or on the bill from the secondary serviceman, or, if not separately-stated, on 50% of the entire bill.

90-0736 10/18/90 If the cost price of tangible personal property transferred incident to a sale of service is 35% or more of the total gross receipts from the transaction, then the transaction is subject to the Service Occupation Tax.

90-0744 10/25/90 This letter applies the Service Occupation Tax changes which became effective on 1/1/90 to questions submitted by an automotive repairman.

90-0761 11/05/90 This letter describes the Service Occupation Tax changes effective 1/1/90 as they relate to retirement homes.

90-0777 11/16/90 When a serviceman collects the Service Use Tax from a purchaser, the serviceman should give the purchaser a receipt for the tax so collected if the purchaser requests a receipt.

90-0802 11/26/90 Effective January 1, 1991, when a serviceman enters into a maintenance agreement, he pays tax to his suppliers on the cost price of parts purchased for repairs made in the context of the maintenance agreement. No tax is charged on the maintenance agreement itself.

90-0807 11/28/90 If the cost price of tangible personal property transferred by a printer is less than 75% of the total bill to the service customer, the printer may pay tax to his supplier on the cost of items of tangible personal property and not charge tax to his service customer.

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- 90-0828 12/07/90 The sale of social invitations and announcements which contain the name and/or address of the customer, along with the date, time and place of the social function are not subject to the Retailers' Occupation Tax, but rather are to be taxed under the Service Occupation Tax.
- 90-0831 12/07/90 Weight loss clinic makes sales of service under the Service Occupation Tax Act.
- 90-0835 12/10/90 If the cost price of tangible personal property is less than 75% of the total bill to the customer, by a pharmacist, then the transaction is not subject to the Service Occupation Tax.
- 90-0836 12/10/90 Repairs by blacksmiths can qualify for 35% de minimus rule in SOT Act.
- 90-0842 12/13/90 Effective January 1, 1991, sellers of maintenance agreements pay tax to their suppliers on the cost price of tangible personal property transferred in the performance of the maintenance agreement.
- 90-0847 12/19/90 Effective 1/1/91, when a serviceman enters into a maintenance agreement, he or she pays tax to his or her suppliers on the cost price of items of tangible personal property transferred to the maintenance customer in the course of performing the maintenance agreement.
- 90-0860 12/31/90 Sellers of maintenance agreements pay tax on the cost price of materials transferred incident to the completion of a maintenance agreement.
- SELLERS OF NEWSPAPERS, MAGAZINES, ETC.
- 90-0710 10/05/90 Sales of newspapers and magazines are not subject to Retailers' Occupation Tax.
- 90-0729 10/15/90 The audio version of a medical journal is not exempt from Retailers' Occupation Tax as a magazine.
- 90-0810 11/30/90 Ruling sets forth the tests used by the Department in determining whether publications qualify as exempt from tax on the basis of being newspapers or magazines.

- 90-0820 12/05/90 In order to qualify as a magazine, the publication must come out periodically and must be published more frequently than on an annual basis. There are other factors which are also considered in determining whether a publication qualifies as a magazine. See, 86 Ill. Adm. Code 130.2105(a)(2).
- 90-0850 12/20/90 In order to qualify as a magazine, the publication must come out periodically and must be published more frequently than annually, on a weekly, monthly or even a quarterly or semi-annual basis. In addition to this periodicity test, there are 5 other factors which are considered in determining whether a publication qualifies as a magazine.
- 90-0861 12/31/90 The sale of supplies, such as ink, glue, paperstock and staples, to persons who sell newspapers, and will incorporate the items into the publication, shall not be subject to Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.2105(b)(2)(B).
- TELECOMMUNICATIONS EXCISE TAX
- 90-0749 10/26/90 The reference to political subdivisions in Section 495.105 of the Department's rules is a reference only to political subdivisions of the statutorily exempt entities, State government and State universities. It is not an exemption for any political subdivision.
- 90-0791 11/19/90 Sportsticker services are subject to Telecommunications Excise Tax liability.
- 90-0804 11/27/90 When purchasing telecommunications services for resale, it is permissible to either take the amount of tax charged under the Illinois Telecommunications Excise Tax as a credit when subsequently filing a return or provide the local telephone companies with a Certificate of Resale when purchasing services for resale.
- 90-0824 12/07/90 Access to private line services are subject to the Telecommunications Excise Tax.
- 90-0854 12/24/90 Telecommunications includes specialized mobile radio, stationary two-way radio, paging service or any other form of mobile & portable one-way or two-way communications, or any other transmission of

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messages or information by electronic or similar means between or among points by wire, cable, fiber-optics, laser, microwave, radio, satellite or similar facilities.

12/31/90 Coin-operated telecommunications services are exempt from the Telecommunications Excise Tax effective September 11, 1989. Prior to that date, gross receipts received from coin-operated telecommunications devices or telephones were subject to the Telecommunications Excise Tax or Messages Tax, respectively.

USE TAX

- 90-0688 10/01/90 This letter describes a "retailer maintaining a place of business in Illinois"
- 90-0693 10/03/90 It will be assumed that the seller is not collecting tax if he does not state it as a separate item apart from the selling price of the tangible personal property.
- 90-0756 11/05/90 Illinois does not authorize the use of direct pay permits.
- 90-0779 11/16/90 Illinois is not a "direct/pay" State.
- 90-0805 11/27/90 Tax does not apply to the temporary storage of tangible personal property which is acquired outside this State and stored here temporarily and is used solely outside this State.
- 90-0833 12/10/90 Tangible personal property purchased for resale and used by its owner for demonstration purposes is not subject to the Use Tax. The demonstration use exemption is only available for items which are ultimately sold. If the property is later donated or disposed of in any fashion, other than sale, the exemption does not apply.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the week of March 4, 1991 through March 8, 1991, and have been scheduled for review by the Committee at its March 19, 1991 or April, 1991 meetings. Other items not contained in this published list may also be considered by the Joint Committee at its March or April meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
4/18/91	Pollution Control Board, Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)	6/8/90 14 Ill. Reg. 8877	March 19, 1991
4/19/91	Department of Commerce and Community Affairs, Training Services for the Disadvantaged (56 Ill. Adm. Code 2610)	10/5/90 14 Ill. Reg. 16117	March 19, 1991
4/19/91	Department of Revenue, Retailers' Occupation Tax (86 Ill. Adm. Code 130)	12/21/90 14 Ill. Reg. 20194	March 19, 1991
4/19/91	Department of Public Aid, Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)	1/18/91 15 Ill. Reg. 384	March 19, 1991
4/19/91	Department of Public Aid, Aid to Families with Dependent Children (89 Ill. Adm. Code 112)	1/18/91 15 Ill. Reg. 371	March 19, 1991
4/19/91	Department of Public Aid, General Assistance (89 Ill. Adm. Code 114)	1/18/91 15 Ill. Reg. 394	March 19, 1991
4/22/91	Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140)	1/18/91 15 Ill. Reg. 406	April, 1991

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED
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Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JC&R
4/22/91	Department of Professional Regulation, The Illinois Structural Engineering Act (68 Ill. Adm. Code 1480)	9/7/90 14 Ill. Reg. 14291	April, 1991
4/22/91	Department of Central Management Services, State Vehicles and Garage (44 Ill. Adm. Code 5040)	10/26/90 14 Ill. Reg. 17403	April, 1991

PROCLAMATION

91-073

50TH ILLINOIS VOLUNTEER INFANTRY/SPECIAL RECOGNITION

Whereas, the 50th Illinois Volunteer Infantry was founded in 1861 in Quincy; and
Whereas, the infantry, known as the "Blind Half Hundred," fought valiantly in President Lincoln's Army and was involved in the battles of Shiloh and Atlanta; and
Whereas, citizens should be aware of the significance of the 50th Illinois Volunteer Infantry and its accomplishments; and
Whereas, in 1985, more than 30 people formed a reenactment group. Since that time, the group has worked diligently with other Midwest reenactment groups to re-create the historic battles in which the 50th Illinois Volunteer Infantry was involved; and
Whereas, 1991 marks the 130th anniversary of the founding of the 50th Illinois Volunteer Infantry;
Therefore, I, Jim Edgar, Governor of the State of Illinois, give special recognition to the 50TH ILLINOIS VOLUNTEER INFANTRY.
Issued by the Governor February 22, 1991.
Filed with the Secretary of State March 11, 1991.

91-074

EDDIE ROBINSON DAY

Whereas, Grambling State University football coach Eddie Robinson is in his 50th year and 6th decade of coaching; and
Whereas, Eddie Robinson is the "winningest" coach in college football history; and
Whereas, Eddie Robinson has guided the Grambling Tigers from obscurity to international fame; and
Whereas, under the direction of Eddie Robinson, more than 300 players have reached the professional football ranks; and
Whereas, Eddie Robinson has won nearly every award possible for a football coach; and
Whereas, the S-Curl Black Heritage Foundation is holding a benefit February 21 at the Civic Opera House to acknowledge Eddie Robinson's triumphs as an athletic legend and role model in the African-American community; and
Whereas, the benefit is designed to raise funds for Project Image and the Grambling University Athletic Foundation;
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 21, 1991, as EDDIE ROBINSON DAY in Illinois.
Issued by the Governor February 22, 1991.
Filed with the Secretary of State March 11, 1991.

91-075

KIDNEY MONTH

Whereas, thousands of Illinois residents suffer from kidney and genitourinary-related diseases; and
Whereas, these diseases can cause chronic illness, work loss, and financial problems; and
Whereas, since its organization in 1949, the National Kidney Foundation of Illinois (NKFI) has dedicated itself to the prevention, treatment, and cure of kidney disease; and

Whereas, the foundation works toward the eradication of this major health problem through programs of research, public and professional education, patient and community service, and organ donation; and
Whereas, hypertension is a leading cause of kidney disease.

To kick-off National Kidney Month in March, the NKFI will be holding a blood pressure screening in Chicago to emphasize the dangers of hypertension and the importance of routine blood pressure testing;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1991 as KIDNEY MONTH in Illinois.

Issued by the Governor February 22, 1991.

Filed with the Secretary of State March 11, 1991.

91-076

YOUTH ART MONTH

"To have an appreciation of art is to have immeasurable wealth." --Otto H. Kahn

Whereas, the arts serve an important role in the educational development of the youth of Illinois; and

Whereas, during the month of March, the Illinois Art Education Association will be sponsoring special events and exhibits in conjunction with a nationwide effort to recognize the accomplishments of art teachers and their students; and

Whereas, community organizations are also encouraged to take advantage of the opportunity to emphasize the enjoyment that can be derived through the creation and appreciation of art;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1991 as YOUTH ART MONTH in Illinois and encourage the support of quality school art programs for our children and youth.

Issued by the Governor February 22, 1991.

Filed with the Secretary of State March 11, 1991.

91-077

REVEREND HOMER C. RESLER DAY

Whereas, the Reverend Homer C. Resler is retiring after 32

years as pastor of the Ravenswood Baptist Church; and
Whereas, Rev. Resler has served the community by providing counseling services to all those in need; and

Whereas, Rev. Resler led his church to initiate the Ravenswood Baptist Christian School and Daycare Center; and
Whereas, for 32 years Rev. Resler has provided monthly services for the men at the Pacific Garden Mission in downtown Chicago;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 17, 1991, as REVEREND HOMER C. RESLER DAY in Illinois, in recognition of Rev. Resler's contributions to the community of Ravenswood and the City of Chicago.

Issued by the Governor March 1, 1991.

Filed with the Secretary of State March 11, 1991.

91-078

AMERICAN RED CROSS MONTH

Whereas, the American Red Cross was founded by Clara Barton on May 21, 1881, and is the largest social service agency in the world; and

Whereas, there are 93 American Red Cross chapters and 5 blood regions, providing services to people throughout the State of Illinois; and

Whereas, the American Red Cross is a humanitarian organization, governed and directed by volunteers, with more than 26,000 volunteers serving Illinois; and

Whereas, the American Red Cross is designated by the Congress of the United States (Act of Congress of January 5, 1905, as amended, 36 U.S. Code 3, Fifth) as the nation's main voluntary agency responsible for disaster relief; and

Whereas, the Red Cross is also designated by Congress as the official emergency communications link between our servicemen and women on active duty and their families at home and has handled more than 82,000 emergency messages under Operation Desert Storm; and

Whereas, the American National Red Cross provides more than half of the nation's blood supply, serving hospitals throughout Illinois by collecting, processing, and distributing more than 200,000 units of blood;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1991 as AMERICAN RED CROSS MONTH in Illinois and urge all citizens to continue their generous support and ready assistance to the work of the American Red Cross chapters throughout the state.

Issued by the Governor March 4, 1991.

Filed with the Secretary of State March 11, 1991.

91-079

AUCTIONEER'S WEEK

Whereas, auctions of real estate and personal property have been an influential part of marketing in the United States of America and other countries throughout the world; and

Whereas, the National Auctioneers Association seeks to achieve new heights in professionalism for its members and excellent service for the buying public; and

Whereas, the National Auctioneers Association endeavors to continually preserve the American free enterprise;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 31-April 6, 1991, as AUCTIONEER'S WEEK in Illinois and urge citizens to recognize and honor the many noteworthy contributions that auctioneers are making to our society and economy.

Issued by the Governor March 5, 1991.

Filed with the Secretary of State March 11, 1991.

91-080

GREEK WOMEN'S UNIVERSITY CLUB DAY

Whereas, the Greek Women's University Club was founded February 21, 1931, with the objectives of rewarding excellence in education and fostering Greek heritage; and

Whereas, the club was the first Hellenic organization to provide funds for Cooley's anemia and to support the social services of the Hellenic Foundation; and

Whereas, the Greek Women's University Club has contributed to the Modern Greek Studies Program at the University of Illinois in Chicago; has sponsored art exhibits, lectures, and concerts; and has honored outstanding personalities of Greek heritage; and

Whereas, during the past two decades, the Greek Women's University Club has revived its practice of awarding scholarships annually. In addition, the club recently started giving monetary awards to young men and women in annual music competitions; and

Whereas, club members have achieved recognition in a number of professions, including business, banking, and education; and

Whereas, the Greek Women's University Club will be celebrating its 60th anniversary March 9, 1991;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 9, 1991, as GREEK WOMEN'S UNIVERSITY CLUB DAY in Illinois.

Issued by the Governor March 5, 1991.

Filed with the Secretary of State March 11, 1991.

91-081

ILLINOIS GOVERNMENTAL INTERNSHIP PROGRAM RECOGNIZED

Whereas, the Illinois Governmental Internship Program (IGIP)

was initiated 11 years ago; and

Whereas, IGIP gives high school students the opportunity to gain work experience in state government; and

Whereas, the IGIP is one of only 30 such programs around the country that chooses interns on a statewide basis, instead of limiting selection to a particular school district; and

Whereas, the IGIP focuses on improving interns' communication skills through the means of videotaped speeches, daily logs, and intern-led seminars;

Therefore, I, Jim Edgar, Governor of the State of Illinois, recognize the ILLINOIS GOVERNMENTAL INTERNSHIP PROGRAMS for its commitment to continuing education.

Issued by the Governor March 5, 1991.

Filed with the Secretary of State March 11, 1991.

91-082

JACKIE CHAN CONGRATULATED

Whereas, Jackie Chan is a well-known actor/director/producer; and

Whereas, Chan's work has made him Asia's number one box office star. The Hong Kong superstar has been honored by respected film critics worldwide, as well as the British Film Institute and the Cinematheque Francaise; and

Whereas, Chan has been described as "perhaps the only performer working today with the physical self-possession--the sense of stylized movement and body control--that defined the great comedians of the silent era" by Chicago Tribune critic Dave Kehr; and

Whereas, Chan will be making a special appearance at a benefit reception for the Film Center of the School of the Art Institute of Chicago;

Therefore, I, Jim Edgar, Governor of the State of Illinois, congratulate JACKIE CHAN on his professional successes and recognize the numerous contributions he has made to the film industry worldwide.

Issued by the Governor March 6, 1991.

Filed with the Secretary of State March 11, 1991.

91-083

ALPHA KAPPA ALPHA'S "YEAR OF THE LIFETIME READER" ACTIVITIES LAUNCHING MONTHS

Whereas, the Alpha Kappa Alpha Sorority, Incorporated (AKA) was founded for and by black women in 1908 and has 816 chapters and an international membership of 120,000; and

Whereas, the AKA is participating with the Library of Congress in "The Year of the Lifetime Reader" program; and

Whereas, in January, AKA opened the Ivy AKADEMY, under which the sorority will administer "The Year of the Lifetime Reader"

activities and other educational training and human resource development experiences; and

Whereas, components of the program include activities to stimulate reading, identify and recognize local authors, help individuals develop and share reading lists of local works and landmarks, and garner pledges to read more;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January, February, and March 1991 as ALPHA KAPPA ALPHA'S "YEAR OF THE LIFETIME READER" ACTIVITIES LAUNCHING MONTHS and commend the organization on its dedication to promoting education and reading.

Issued by the Governor March 7, 1991.

Filed with the Secretary of State March 11, 1991.

91-084

DINNER OF CHAMPIONS DAY

Whereas, Multiple Sclerosis is a neurological disease affecting the central nervous system, including the brain and the spinal cord; and

Whereas, MS is the number one disabling disease affecting young adults. Its victims are usually between the ages of 20 and 40; and

Whereas, the National Multiple Sclerosis Society (NMSS), a voluntary health agency, was established in 1945 when a small group of patients and their families joined together to overcome this perplexing disease of the central nervous system; and

Whereas, since 1960, the Chicago-Northern Illinois Chapter of NMSS has been a leader in client services and dollars raised for research; and

Whereas, on April 10, 1991, Chicago area business and civic leaders will join the Chicago-Northern Illinois Chapter in hosting a "Dinner of Champions" to honor people and organizations who have shown outstanding humanitarian endeavors and dedication;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 7, 1991, as DINNER OF CHAMPIONS DAY in Illinois.

Issued by the Governor March 7, 1991.

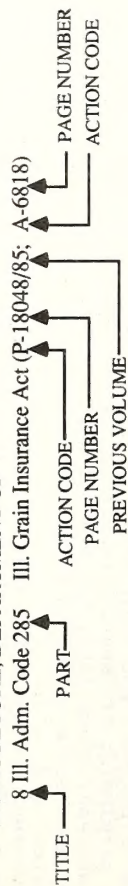
Filed with the Secretary of State March 11, 1991.

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JCAR - Joint Committee on Administrative Rules	
ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Ordered by JCAR
C - Notice of Corrections	PP - Peremptory or Court ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR objections

EXAMPLE:

AGRICULTURE, DEPARTMENT OF



ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

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91-5 Reassignment of Functions of Governor's Office of Senior Involvement to the Department of Aging
91-6 Reassignment of Functions of Governor's Office of Voluntary Action to the Lieutenant Governor, Senior Action Centers

PROCLAMATIONS

90-558 Homemakers Extension Association Week
90-559 Nurse Recruitment Day
90-560 Army ROTC Week
90-561 Critical Care Nurse Week
90-562 Free Enterprise And Marketing Week
90-563 Illinois School Psychologists Association Week
90-564 Land Surveyors' Month
90-565 Billy D. Turner Congratulated
90-566 Travel Agent Appreciation Week
91-001 Jaycee Week
91-002 Larry Kinsella Recognized
91-003 Margaret E. Mailiard Day
91-004 Veterinary Medical Education Week
91-005 Charles A. Davis Recognized
91-006 Post Anesthesia Nurse Awareness Week
91-007 African-American History Month
91-008 Cardiac Rehabilitation Week
91-008 Cardiac Rehabilitation Week (Revised)
91-009 Financial Aid Awareness Month
91-010 Richard O. Mitchell Congratulated
91-011 Seeing Eye Dog Day
91-012 Ukrainian Independence Day

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91-013 School Social Work Week
91-014 Volvo Tennis/Chicago Week
91-015 Travel Agent Appreciation Week
91-016 Leo Melamed Day
91-017 Operation Desert Storm Support Day
91-018 Four Chaplains Sunday
91-019 State Activity Professionals Day
91-020 American History Month
91-021 Black Nurses' Day
91-022 Catholic Schools Week/National Appreciation Day
91-023 Community Associations Day
91-024 FFA Week
91-025 Lithuanian Independence Day
91-026 Smiles for Little City Month
91-026 Smiles for Little City Month (Revised)
91-027 International Week
91-028 Literacy Volunteer Week
91-029 Operation Desert Storm Day
91-030 School Counseling Week
91-031 United State Air Force Military Airline Command Band Day
91-032 Cub Scout Pack 3782 Day
91-033 Licensed Practical Nurse Week
91-034 Sales & Marketing Month
91-035 Urges Flying the American Flag
91-036 Chicago Dental Society Midwinter Meeting Program Days
91-037 Chicago Urban League Day
91-038 Women's History Month
91-039 Future Business Leaders of America-Phi Beta Lambda Week
91-040 Land Surveyors' Month
91-041 Public Education & Corporate America Partnership Day
91-042 School Guidance & Counseling Week
91-043 Doctor's Day
91-044 Supports Operation Desert Storm
91-045 Engineers Week
91-046 Tornado Preparedness Week
91-047 Special Session - Property Tax Extension Limitation Act
91-048 Collinsville Operation Desert Storm Day
91-049 Scandinavian Week
91-050 Casimir Pulaski Day
91-051 Sertoma National Heritage Freedom Week
91-052 American Music Month
91-053 Lutheran Schools Week
91-054 Student Nurse Day
91-055 Nutrition Month
91-056 School Psychology Week
91-057 Foreign Language Week
91-058 Logistics Engineering Week
91-059 U. S. Savings Bond Campaign Month
91-060 Warsaw Ghetto Uprising/Day of Memorial
91-061 Peace Corps of the United States of America/30th Anniversary
91-062 Arnold F. Karr Recognized
91-063 Chronic Fatigue Syndrome Awareness Week
91-064 Peoria Desert Storm Support Day
91-065 St. David's Day
91-066 Employ the Older Worker Week
91-067 Irish-American Heritage Month

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The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking activity occurred in the previous issues of this volume year; the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 1 Ill. Adm. Code 100.280 was proposed last year and adopted this year. The action entry reads: (P-8577/89; A-724) The codes for both columns are listed below. For a complete listing of the Titles of the Illinois Administrative Code, please refer to 1 Ill. Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING		ACTION CODES	
am	= amendment to existing Section	A	= Adopted rule
cc	= codification changes	C	= Correction
n	= new Section	CC	= Codification Changes
r	= repeal of existing Section	E	= Emergency rule
rc	= recodified	F	= Failure to Remedy Objections
#	= renumbered	M	= Modification
		O	= ICAR Objection
		P	= Proposed rule
		PF	= Prohibited Filing
		PP	= Peremptory rule
		R	= Refusal to Modify or Withdraw
		RC	= ICAR Recommendation
		S	= Suspended rule
		W	= Withdrawal of Proposed rule

TITLE 2

23375.110

am

(A-1571)

125.370

am

(P-620; W-1574) (P-1583)

2650.10

n

(A-2660)

125.380

am

(P-620; W-1574) (P-1583) (P-3117)

2650.20

n

(A-2660)

125.400

am

(P-620; W-1574) (P-1583)

2650.30

n

(A-2660)

125.410

am

(P-620; W-1574) (P-1583)

2650.40

n

(A-2660)

255.50

am

(E-128)

2650.50

n

(A-2660)

270.261

am

(P-10965/90; A-455)

2650.60

n

2650.100

n

(A-2660)

2650.200

n

(A-2660)

405.170

r

(P-8957/90; A-591)

2650.205

n

(A-2660)

405.250

n

(P-12389/90; A-2733)

2650.210

n

(A-2660)

433.35

am

(P-12395/90; A-2736)

2650.220

n

(A-2660)

440.10

n

(P-8975/90; A-3492)

2650.300

n

(A-2660)

440.20

n

(P-8975/90; A-3492)

2650.310

n

(A-2660)

440.30

n

(P-8975/90; A-3492)

2650.311

n

(A-2660)

440.40

n

(P-8975/90; A-3492)

2650.312

n

(A-2660)

440.50

n

(P-8975/90; A-3492)

2650.313

n

(A-2660)

440.60

n

(P-8975/90; A-3492)

2650.314

n

(A-2660)

440.70

n

(P-8975/90; A-3492)

2650.320

n

(A-2660)

440.80

n

(P-8975/90; A-3492)

2650.330

n

(A-2660)

440.90

n

(P-8975/90; A-3492)

2650.340

n

(A-2660)

440.100

n

(P-8975/90; A-3492)

2650.400

n

(A-2660)

440.110

n

(P-8975/90; A-3492)

2650.410

n

(A-2660)

440.120

n

(P-8975/90; A-3492)

2650.41A

n

(A-2660)

440.130

n

(P-8975/90; A-3492)

2650.41B

n

(A-2660)

440.140

n

(P-8975/90; A-3492)

440.150

n

(P-8975/90; A-3492)

1312.265

am

(P-14750/90; A-2727)

1413.48

am

(P-12385/90; A-2730)

1424.140

n

(P-10691/90; A-20545/90; C-2044)

1424.355

am

(P-19690/90; W-1173)

TITLE 4

510.10

am

(P-677)

510.20

am

(P-677)

510.40

am

(P-677)

510.50

am

(P-677)

510.60

am

(P-677)

510.70

am

(P-677)

510.80

am

(P-677)

510.110

n

(P-13072/90; A-2673)

510.120

n

(P-13072/90; A-2673)

510.130

n

(P-13072/90; A-2673)

510.140

n

(P-13072/90; A-2673)

510.150

n

(P-13072/90; A-2673)

510.160

n

(P-13072/90; A-2673)

510.170

n

(P-13072/90; A-2673)

510.175

n

(P-13072/90; A-2673)

510.180

n

(P-13072/90; A-2673)

510.185

n

(P-13072/90; A-2673)

510.190

n

(P-13072/90; A-2673)

510.195

n

(P-13072/90; A-2673)

510.200

n

(P-13072/90; A-2673)

510.205

n

(P-13072/90; A-2673)

540.110

n

(P-11022/90; A-973)

540.120

n

(P-11022/90; A-973)

540.130

n

(P-11022/90; A-973)

540.140

n

(P-11022/90; A-973)

540.150

n

(P-11022/90; A-973)

540.160

n

(P-11022/90; A-973)

540.170

n

(P-11022/90; A-973)

540.180

n

(P-11022/90; A-973)

540.190

n

(P-11022/90; A-973)

TITLE 8

125.10

am

(P-620; W-1574) (P-1583)

125.30

am

(P-620; W-1574) (P-1583)

125.40

am

(P-620; W-1574) (P-1583)

125.50

am

(P-620; W-1574) (P-1583)

125.60

am

(P-620; W-1574) (P-1583)

125.80

am

(P-620; W-1574) (P-1583)

125.90

am

(P-620; W-1574) (P-1583)

125.100

am

(P-620; W-1574) (P-1583)

125.110

am

(P-620; W-1574) (P-1583)

125.120

am

(P-620; W-1574) (P-1583)

125.130

am

(P-620; W-1574) (P-1583)

125.140

am

(P-620; W-1574) (P-1583)

125.150

am

(P-620; W-1574) (P-1583)

125.160

am

(P-620; W-1574) (P-1583)

125.170

am

(P-620; W-1574) (P-1583)

125.180

am

(P-620; W-1574) (P-1583)

125.190

am

(P-620; W-1574) (P-1583)

125.200

am

(P-620; W-1574) (P-1583)

125.210

am

(P-620; W-1574) (P-1583)

125.220

am

(P-620; W-1574) (P-1583)

125.230

am

(P-620; W-1574) (P-1583)

125.240

am

(P-620; W-1574) (P-1583)

125.250

am

(P-620; W-1574) (P-1583)

125.260

am

(P-620; W-1574) (P-1583)

(P-3117)

125.270

am

(P-620; W-1574) (P-1583)

125.280

am

(P-620; W-1574) (P-1583)

125.290

am

(P-620; W-1574) (P-1583)

125.300

am

(P-620; W-1574) (P-1583)

125.310

am

(P-620; W-1574) (P-1583)

125.320

am

(P-620; W-1574) (P-1583)

125.330

am

(P-620; W-1574) (P-1583)

125.340

am

(P-620; W-1574) (P-1583)

125.350

am

(P-620; W-1574) (P-1583)

125.360

am

(P-620; W-1574) (P-1583)

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545.315	(P-3620)	4160.10
545.320	(P-3620)	4160.20
545.325	(P-3620)	4160.30
545.330	(P-3620)	4160.40
545.345	(P-3620)	4160.50
545.350	(P-3620)	4160.60
545.355	(P-3620)	4160.70
545.360	(P-3620)	4160.80
550.20	(P-8782/90; A-1798)	4160.90
550.30	(P-8782/90; A-1798)	4160.100
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550.40	(P-8782/90; A-1798)	4160.120
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		4160.140
		4160.160
		4160.170
		4160.180
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am	(P-16182/90; A-1495)	am
am	(P-16182/90; A-1495)	am
am	(P-16182/90; A-1495)	am
am	(P-16182/90; A-1495)	am
am	(P-16182/90; A-1495)	am
n	(P-18397/90; A-4149)	am
n	(P-18397/90; A-4149)	am
n	(P-18397/90; A-4149)	am
n	(P-18397/90; A-4149)	am
n	(P-18397/90; A-4149)	am
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710.20	(P-18409/90; A-4161)	415.30
710.30	(P-18409/90; A-4161)	415.70
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710.60	(P-18409/90; A-4161)	am
730.10	(P-4200)	460.12
730.20	(P-4200)	460.15
730.30	(P-4200)	460.20
740.10	(P-4222)	460.30
740.20	(P-4222)	460.40
830.05	(P-2057)	460.50
830.20	(P-2057)	460.60
830.60	(P-2057)	460.70
830.70	(P-2057)	460.80
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3035.30	(P-18365/90; A-4117)	am
3035.40	(P-18365/90; A-4117)	am
3035.50	(P-18365/90; A-4117)	am
3035.60	(P-18365/90; A-4117)	am
3035.70	(P-18365/90; A-4117)	am
3040.Ap. B	(P-18380/90; A-4132)	am
3040.Ap. C	(P-18380/90; A-4132)	am
3040.Ap. D	(P-18380/90; A-4132)	am
3040.Ap. E	(P-18380/90; A-4132)	am
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		226.520
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		228.360
		228.365
		228.370
		228.375
		228.380
		228.385
		228.390
		228.395
		228.400

TITLE 23 (CONT'D)			TITLE 35 (CONT'D)			TITLE 36 (CONT'D)		
226.615	am	(P-11068/90; A-40)	218.122	n	(P-3675)	218.968	n	(P-3675)
226.615	am	(P-11068/90; A-40)	218.123	n	(P-3675)	218.980	n	(P-3675)
226.620	r	(P-11068/90; A-40)	218.124	n	(P-3675)	218.983	n	(P-3675)
226.680	am	(P-11068/90; A-40)	218.125	n	(P-3675)	218.986	n	(P-3675)
226.684	am	(P-11068/90; A-40)	218.126	n	(P-3675)	218.987	n	(P-3675)
226.720	am	(P-11068/90; A-40)	218.141	n	(P-3675)	218.988	n	(P-3675)
226.730	am	(P-11068/90; A-40)	218.142	n	(P-3675)	218.990	n	(P-3675)
226.730	am	(P-11068/90; A-40)	218.143	n	(P-3675)	218.991	n	(P-3675)
230.70	am	(P-11447/90; A-463)	218.144	n	(P-3675)	218.992	n	(P-3675)
			218.181	n	(P-3675)	218.993	n	(P-3675)
			218.182	n	(P-3675)	218.994	n	(P-3675)
			218.183	n	(P-3675)	218.995	n	(P-3675)
			218.184	n	(P-3675)	218.996	n	(P-3675)
			218.185	n	(P-3675)	218.997	n	(P-3675)
			218.186	n	(P-3675)	218.998	n	(P-3675)
			218.204	n	(P-3675)	218.999	n	(P-3675)
			218.205	n	(P-3675)	219.000	n	(P-3675)
			218.206	n	(P-3675)	219.001	n	(P-3675)
			218.207	n	(P-3675)	219.002	n	(P-3675)
			218.208	n	(P-3675)	219.003	n	(P-3675)
			218.209	n	(P-3675)	219.004	n	(P-3675)
			218.210	n	(P-3675)	219.005	n	(P-3675)
			218.211	n	(P-3675)	219.006	n	(P-3675)
			218.212	n	(P-3675)	219.007	n	(P-3675)
			218.213	n	(P-3675)	219.008	n	(P-3675)
			218.214	n	(P-3675)	219.009	n	(P-3675)
			218.215	n	(P-3675)	219.010	n	(P-3675)
			218.216	n	(P-3675)	219.011	n	(P-3675)
			218.217	n	(P-3675)	219.012	n	(P-3675)
			218.218	n	(P-3675)	219.013	n	(P-3675)
			218.219	n	(P-3675)	219.014	n	(P-3675)
			218.220	n	(P-3675)	219.015	n	(P-3675)
			218.221	n	(P-3675)	219.016	n	(P-3675)
			218.222	n	(P-3675)	219.017	n	(P-3675)
			218.223	n	(P-3675)	219.018	n	(P-3675)
			218.224	n	(P-3675)	219.019	n	(P-3675)
			218.225	n	(P-3675)	219.020	n	(P-3675)
			218.226	n	(P-3675)	219.021	n	(P-3675)
			218.227	n	(P-3675)	219.022	n	(P-3675)
			218.228	n	(P-3675)	219.023	n	(P-3675)
			218.229	n	(P-3675)	219.024	n	(P-3675)
			218.230	n	(P-3675)	219.025	n	(P-3675)
			218.231	n	(P-3675)	219.026	n	(P-3675)
			218.232	n	(P-3675)	219.027	n	(P-3675)
			218.233	n	(P-3675)	219.028	n	(P-3675)
			218.234	n	(P-3675)	219.029	n	(P-3675)
			218.235	n	(P-3675)	219.030	n	(P-3675)
			218.236	n	(P-3675)	219.031	n	(P-3675)
			218.237	n	(P-3675)	219.032	n	(P-3675)
			218.238	n	(P-3675)	219.033	n	(P-3675)
			218.239	n	(P-3675)	219.034	n	(P-3675)
			218.240	n	(P-3675)	219.035	n	(P-3675)
			218.241	n	(P-3675)	219.036	n	(P-3675)</

[illegible]

TITLE 35 (CONT'D)		TITLE 38		TITLE 39	
722.134	am	725.962	n	725.962	n
724.113	am	725.963	n	725.963	n
724.115	am	725.964	n	725.964	n
724.173	am	726.132	r	726.132	r
724.177	am	728.101	am	728.101	am
724.321	am	728.102	am	728.102	am
724.329	am	728.103	am	728.103	am
724.356	am	728.105	am	728.105	am
724.381	am	728.107	am	728.107	am
724.401	am	728.108	r	728.108	r
724.412	am	728.109	n	728.109	n
724.416	am	728.135	n	728.135	n
724.930	n	728.140	am	728.140	am
724.931	n	728.141	am	728.141	am
724.932	n	728.142	am	728.142	am
724.933	n	728.143	am	728.143	am
724.934	n	728.144	am	728.144	am
724.935	n	728.145	am	728.145	am
724.936	n	728.146	am	728.146	am
724.950	n	728.147	am	728.147	am
724.951	n	728.148	am	728.148	am
724.952	n	728.149	am	728.149	am
724.953	n	728.150	am	728.150	am
724.954	n	728.151	am	728.151	am
724.955	n	728.152	am	728.152	am
724.961	n	728.153	am	728.153	am
724.962	n	728.154	am	728.154	am
724.963	n	728.155	am	728.155	am
724.964	n	728.156	am	728.156	am
724.965	n	728.157	am	728.157	am
725.101	am	728.158	am	728.158	am
725.113	am	728.159	am	728.159	am
725.115	am	728.160	am	728.160	am
725.173	am	728.161	am	728.161	am
725.177	am	728.162	am	728.162	am
725.329	am	728.163	am	728.163	am
725.356	am	728.164	am	728.164	am
725.381	am	728.165	am	728.165	am
725.412	am	728.166	am	728.166	am
725.416	am	728.167	am	728.167	am
725.930	n	728.168	am	728.168	am
725.931	n	728.169	am	728.169	am
725.932	n	728.170	am	728.170	am
725.933	n	728.171	am	728.171	am
725.934	n	728.172	am	728.172	am
725.935	n	728.173	am	728.173	am
725.950	n	728.174	am	728.174	am
725.951	n	728.175	am	728.175	am
725.952	n	728.176	am	728.176	am
725.953	n	728.177	am	728.177	am
725.954	n	728.178	am	728.178	am
725.955	n	728.179	am	728.179	am
725.956	n	728.180	am	728.180	am
725.957	n	728.181	am	728.181	am
725.958	n	728.182	am	728.182	am
725.959	n	728.183	am	728.183	am
725.960	n	728.184	am	728.184	am
725.961	n	728.185	am	728.185	am

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TITLE 38 (CONT'D.)							
1075.1045	n	(P-14758/90; A-1916)	1075.1530	n	(P-14758/90; A-1916)		
1075.1050	n	(P-14758/90; A-1916)	1075.1540	n	(P-14758/90; A-1916)		
1075.1055	n	(P-14758/90; A-1916)	1075.1550	n	(P-14758/90; A-1916)		
1075.1100	n	(P-14758/90; A-1916)	1075.1600	n	(P-14758/90; A-1916)		
1075.1105	n	(P-14758/90; A-1916)	1075.1610	n	(P-14758/90; A-1916)		
1075.1110	n	(P-14758/90; A-1916)	1075.1620	n	(P-14758/90; A-1916)		
1075.1115	n	(P-14758/90; A-1916)	1075.1630	n	(P-14758/90; A-1916)		
1075.1120	n	(P-14758/90; A-1916)	1075.1640	n	(P-14758/90; A-1916)		
1075.1125	n	(P-14758/90; A-1916)	1075.1650	n	(P-14758/90; A-1916)		
1075.1130	n	(P-14758/90; A-1916)	TITLE 44				
1075.1135	n	(P-14758/90; A-1916)	5030.130	am	(P-1203)		
1075.1140	n	(P-14758/90; A-1916)	TITLE 47				
1075.1145	n	(P-14758/90; A-1916)	100.30	am	(P-15189/90; O-1575; A-3437)		
1075.1155	n	(P-14758/90; A-1916)	100.106	am	(P-15189/90; O-1575; A-3437)		
1075.1160	n	(P-14758/90; A-1916)	100.110	am	(P-15189/90; O-1575; A-3437)		
1075.1165	n	(P-14758/90; A-1916)	100.111	am	(P-15189/90; O-1575; R-3603; A-3437)		
1075.1170	n	(P-14758/90; A-1916)	100.113	am	(P-15189/90; O-1575; R-3603; A-3437)		
1075.1175	n	(P-14758/90; A-1916)	100.117	r	(P-15189/90; O-1575; A-3437)		
1075.1180	n	(P-14758/90; A-1916)	100.120	am	(P-15189/90; O-1575; A-3437)		
1075.1185	n	(P-14758/90; A-1916)	100.Ap. E	am	(P-15189/90; O-1575; A-3437)		
1075.1190	n	(P-14758/90; A-1916)	100.Ap. F	am	(P-15189/90; O-1575; A-3437)		
1075.1200	n	(P-14758/90; A-1916)	110.10	am	(P-10985/90; O-19076/90; R-3127; A-4410)		
1075.1205	n	(P-14758/90; A-1916)	110.30	am	(P-10985/90; O-19076/90; R-3127; A-4410)		
1075.1210	n	(P-14758/90; A-1916)	110.40	am	(P-10985/90; O-19076/90; R-3127; A-4410)		
1075.1215	n	(P-14758/90; A-1916)	110.50	am	(P-10985/90; O-19076/90; R-3127; A-4410)		
1075.1220	n	(P-14758/90; A-1916)	110.60	am	(P-10985/90; O-19076/90; R-3127; A-4410)		
1075.1225	n	(P-14758/90; A-1916)	110.70	am	(P-10985/90; O-19076/90; R-3127; A-4410)		
1075.1230	n	(P-14758/90; A-1916)	110.80	am	(P-10985/90; O-19076/90; R-3127; A-4410)		
1075.1235	n	(P-14758/90; A-1916)	110.90	am	(P-10985/90; O-19076/90; R-3127; A-4410)		
1075.1240	n	(P-14758/90; A-1916)	110.91	n	(P-10985/90; O-19076/90; R-3127; A-4410)		
1075.1245	n	(P-14758/90; A-1916)	110.92	n	(P-10985/90; O-19076/90; R-3127; A-4410)		
1075.1250	n	(P-14758/90; A-1916)	110.93	n	(P-10985/90; O-19076/90; R-3127; A-4410)		
1075.1255	n	(P-14758/90; A-1916)	110.100	am	(P-10985/90; O-19076/90; R-3127; A-4410)		
1075.1260	n	(P-14758/90; A-1916)	110.105	n	(P-10985/90; O-19076/90; R-3127; A-4410)		
1075.1265	n	(P-14758/90; A-1916)	110.130	am	(P-10985/90; O-19076/90; R-3127; A-4410)		
1075.1270	n	(P-14758/90; A-1916)	TITLE 50				
1075.1275	n	(P-14758/90; A-1916)	918.10	r	(P-2899)		
1075.1280	n	(P-14758/90; A-1916)	918.20	r	(P-2899)		
1075.1285	n	(P-14758/90; A-1916)	918.30	r	(P-2899)		
1075.1290	n	(P-14758/90; A-1916)	918.40	r	(P-2899)		
1075.1295	n	(P-14758/90; A-1916)	918.50	r	(P-2899)		
1075.1300	n	(P-14758/90; A-1916)	918.60	r	(P-2899)		
1075.1305	n	(P-14758/90; A-1916)	II. I	r	(P-2899)		
1075.1310	n	(P-14758/90; A-1916)	II. II	r	(P-2899)		
1075.1315	n	(P-14758/90; A-1916)	II. III	r	(P-2899)		
1075.1320	n	(P-14758/90; A-1916)					
1075.1325	n	(P-14758/90; A-1916)					
1075.1330	n	(P-14758/90; A-1916)					
1075.1335	n	(P-14758/90; A-1916)					
1075.1340	n	(P-14758/90; A-1916)					
1075.1345	n	(P-14758/90; A-1916)					
1075.1350	n	(P-14758/90; A-1916)					
1075.1355	n	(P-14758/90; A-1916)					
1075.1360	n	(P-14758/90; A-1916)					
1075.1365	n	(P-14758/90; A-1916)					
1075.1370	n	(P-14758/90; A-1916)					
1075.1375	n	(P-14758/90; A-1916)					
1075.1380	n	(P-14758/90; A-1916)					
1075.1385	n	(P-14758/90; A-1916)					
1075.1390	n	(P-14758/90; A-1916)					
1075.1395	n	(P-14758/90; A-1916)					
1075.1400	n	(P-14758/90; A-1916)					
1075.1405	n	(P-14758/90; A-1916)					
1075.1410	n	(P-14758/90; A-1916)					
1075.1415	n	(P-14758/90; A-1916)					
1075.1420	n	(P-14758/90; A-1916)					
1075.1425	n	(P-14758/90; A-1916)					
1075.1430	n	(P-14758/90; A-1916)					
1075.1435	n	(P-14758/90; A-1916)					
1075.1440	n	(P-14758/90; A-1916)					
1075.1445	n	(P-14758/90; A-1916)					
1075.1450	n	(P-14758/90; A-1916)					
1075.1455	n	(P-14758/90; A-1916)					
1075.1460	n	(P-14758/90; A-1916)					
1075.1465	n	(P-14758/90; A-1916)					
1075.1470	n	(P-14758/90; A-1916)					
1075.1475	n	(P-14758/90; A-1916)					
1075.1480	n	(P-14758/90; A-1916)					
1075.1485	n	(P-14758/90; A-1916)					
1075.1490	n	(P-14758/90; A-1916)					
1075.1495	n	(P-14758/90; A-1916)					
1075.1500	n	(P-14758/90; A-1916)					
1075.1505	n	(P-14758/90; A-1916)					
1075.1510	n	(P-14758/90; A-1916)					
1075.1515	n	(P-14758/90; A-1916)					
1075.1520	n	(P-14758/90; A-1916)					

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754.Ex.C			117.205	n	(P-14671/90; A-1511)
3119.20	am	(P-2899)	117.210	n	(P-14671/90; A-1511)
3119.30	am	(P-12127/90; A-69)	117.215	n	(P-14671/90; A-1511)
3119.40	am	(P-12127/90; A-69)	117.220	n	(P-14671/90; A-1511)
3119.50	am	(P-12127/90; A-69)	117.225	n	(P-14671/90; A-1511)
3119.60	am	(P-12127/90; A-69)	117.230	n	(P-14671/90; A-1511)
3119.70	am	(P-12127/90; A-69)	117.235	n	(P-14671/90; A-1511)
3119.Ex.A	am	(P-12127/90; A-69)	117.240	n	(P-14671/90; A-1511)
3119.Ex.B	am	(P-12127/90; A-69)	117.300	n	(P-14671/90; A-1511)
3119.Ex.C	am	(P-12127/90; A-69)	117.305	n	(P-14671/90; A-1511)
3119.Ex.D	am	(P-12127/90; A-69)	117.310	n	(P-14671/90; A-1511)
6101.10	am	(P-20205/89; A-199)	117.315	n	(P-14671/90; A-1511)
6101.20	am	(P-20205/89; A-199)	117.320	n	(P-14671/90; A-1511)
6101.30	am	(P-20205/89; A-199)	117.325	n	(P-14671/90; A-1511)
6101.40	am	(P-20205/89; A-199)	117.330	n	(P-14671/90; A-1511)
6101.50	am	(P-20205/89; A-199)	117.335	n	(P-14671/90; A-1511)
6101.100	am	(P-20205/89; A-199)	117.340	n	(P-14671/90; A-1511)
6101.110	am	(P-20205/89; O-21117/90; M-365; A-199)	117.345	n	(P-14671/90; A-1511)
6101.111	n	(P-20205/89; A-199)	117.350	n	(P-14671/90; A-1511)
6101.112	n	(P-20205/89; A-199)	117.Ap.A	n	(P-14671/90; A-1511)
6101.130	am	(P-20205/89; A-199)	117.II.A	n	(P-14671/90; A-1511)
6101.140	am	(P-20205/89; A-199)	117.II.B	n	(P-14671/90; A-1511)
6101.141	n	(P-20205/89; A-199)	117.Ap.B	n	(P-14671/90; A-1511)
6101.142	n	(P-20205/89; A-199)	117.II.A	n	(P-14671/90; A-1511)
6101.160	r	(P-20205/89; A-199)	117.II.C	n	(P-14671/90; A-1511)
6101.20	am	(P-20205/89; A-199)	117.II.D	n	(P-14671/90; A-1511)
6101.20	am	(P-20205/89; A-199)	117.II.E	n	(P-14671/90; A-1511)
6101.20	am	(P-20205/89; A-199)	130.11	am	(E-18100/90; O-21140/90; R-1171)
2600.20	am	(P-691)	130.20	am	(E-18100/90; O-21140/90; R-1171)
2610.110	am	(P-3641)	130.30	am	(E-18100/90; O-21140/90; R-1171)
2610.120	am	(P-3641)	130.40	am	(E-18100/90; O-21140/90; R-1171)
2650.50	am	(P-19503/90; W-3602)	130.60	am	(E-18100/90; O-21140/90; R-1171)
2765.220	n	(P-3381)	130.70	am	(E-18100/90; O-21140/90; R-1171)
2765.325	am	(P-13910/90; A-185)	130.80	am	(E-18100/90; O-21140/90; R-1171)
2770.110	am	(P-15659/90; A-172)	130.90	r	(E-18100/90; O-21140/90; R-1171)
2770.400	r	(P-3368)	130.100	am	(E-18100/90; O-21140/90; R-1171)
2770.405	r	(P-3368)	130.110	am	(E-18100/90; O-21140/90; R-1171)
2770.410	r	(P-3368)	130.120	am	(E-18100/90; O-21140/90; R-1171)
2770.415	r	(P-3368)	130.130	am	(E-18100/90; O-21140/90; R-1171)
2770.420	r	(P-3368)	130.140	am	(E-18100/90; O-21140/90; R-1171)
2815.105	am	(P-17152/90; A-1817)	130.150	am	(E-18100/90; O-21140/90; R-1171)
2920.40	am	(P-13905/90; A-180)	130.160	am	(E-18100/90; O-21140/90; R-1171)
6000.10	am	(P-2989/90; A-4109)	130.170	am	(E-18100/90; O-21140/90; R-1171)
6000.280	am	(P-2989/90; A-4109)	130.180	am	(E-18100/90; O-21140/90; R-1171)
6000.330	n	(P-2989/90; A-4109)			

TITLE 59 (CONT'D)		TITLE 68 (CONT'D)		TITLE 68 (CONT'D)		TITLE 77		TITLE 77	
130.190	am	(E-18100/90; O-21140/90; R-1171)	am	1380.310	am	300.120	am	300.120	am
130.200	am	(E-18100/90; O-21140/90; R-1171)	am	1380.320	am	300.330	am	300.330	am
130.210	am	(E-18100/90; O-21140/90; R-1171)	n	1380.Ap.A	am	300.620	am	300.620	am
130.220	am	(E-18100/90; O-21140/90; R-1171)	am			300.1010	am	300.1010	am
130.230	am	(E-18100/90; O-21140/90; R-1171)	am			300.3220	am	300.3220	am
130.240	am	(E-18100/90; O-21140/90; R-1171)	m			300.3240	am	300.3240	am
130.250	am	(E-18100/90; O-21140/90; R-1171)	am			300.3260	am	300.3260	am
130.Tb.A	am	(E-18100/90; O-21140/90; R-1171)	am			330.120	am	330.120	am
130.Tb.B	am	(E-18100/90; O-21140/90; R-1171)	am			330.330	am	330.330	am
						330.913	r	330.913	r
						330.1110	am	330.1110	am
						330.4220	am	330.4220	am
						330.4240	am	330.4240	am
						330.4260	am	330.4260	am
						350.120	am	350.120	am
						350.330	am	350.330	am
						350.680	am	350.680	am
						350.1220	am	350.1220	am
						350.3220	am	350.3220	am
						350.3240	am	350.3240	am
						350.3260	am	350.3260	am
						350.3710	am	350.3710	am
						350.3720	am	350.3720	am
						350.3730	am	350.3730	am
						350.3750	am	350.3750	am
						350.3770	am	350.3770	am
						350.3780	am	350.3780	am
						350.3810	am	350.3810	am
						350.3880	am	350.3880	am
						350.3900	am	350.3900	am
						350.3940	am	350.3940	am
						350.4010	am	350.4010	am
						350.Tb. D	am	350.Tb. D	am
						350.Tb. E	am	350.Tb. E	am
						390.120	am	390.120	am
						390.330	am	390.330	am
						390.1030	am	390.1030	am
						390.3220	am	390.3220	am
						390.3240	am	390.3240	am
						390.3260	am	390.3260	am
						500.20	am	500.20	am
						500.70	n	500.70	n

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VOL. 15, ISSUE #12	TITLE 77 (CONT'D)		TITLE 83 (CONT'D)		VOL. 15, ISSUE #12
790.1425	(P-3417; E-3537)	2058.303	(P-6457/90; A-2597)	730.409	(P-1650)
790.1710	(P-3417; E-3537)	2058.306	(P-6457/90; A-2597)	730.410	(P-1627)
790.1740	(P-3417; E-3537)	2058.309	(P-6457/90; A-2597)	730.415	(P-1627)
790.2020	(P-3417; E-3537)	2058.312	(P-6457/90; A-2597)	730.420	(P-1627)
790.2130	(P-3417; E-3537)	2058.315	(P-6457/90; A-2597)	730.425	(P-1627)
790.2130	(P-3417; E-3537)	2058.318	(P-6457/90; A-2597)	730.430	(P-1627)
790.2485	(P-3417; E-3537)	2058.319	(P-6457/90; A-2597)	730.435	(P-1627)
790.2580	(P-3417; E-3537)	2058.321	(P-6457/90; A-2597)	730.440	(P-1627)
790.2618	(P-3417; E-3537)	2058.327	(P-6457/90; A-2597)	730.445	(P-1627)
790.2820	(P-3417; E-3537)	2058.330	(P-6457/90; A-2597)	730.450	(P-1627)
790.2902	(P-3417; E-3537)	2058.333	(P-6457/90; A-2597)	730.500	(P-1627)
790.3020	(P-3417; E-3537)	2058.336	(P-6457/90; A-2597)	730.501	(P-1650)
790.3060	(P-3417; E-3537)	2058.342	(P-6457/90; A-2597)	730.502	(P-1650)
790.3140	(P-3417; E-3537)	2058.343	(P-6457/90; A-2597)	730.503	(P-1650)
790.3308	(P-3417; E-3537)	2058.348	(P-6457/90; A-2597)	730.504	(P-1650)
790.3315	(P-3417; E-3537)	2058.354	(P-6457/90; A-2597)	730.505	(P-1650)
790.3488	(P-3417; E-3537)	2058.366	(P-6457/90; A-2597)	730.506	(P-1650)
790.3540	(P-3417; E-3537)	2058.400	(P-6457/90; A-2597)	730.507	(P-1650)
790.3940	(P-3417; E-3537)	2058.405	(P-6457/90; A-2597)	730.508	(P-1650)
790.4060	(P-3417; E-3537)	2058.410	(P-6457/90; A-2597)	730.509	(P-1650)
790.4420	(P-3417; E-3537)	2058.600	(P-6457/90; A-2597)	730.510	(P-1650)
790.4495	(P-3417; E-3537)	2058.705	(P-6457/90; A-2597)	730.511	(P-1650)
790.4580	(P-3417; E-3537)	2058.805	(P-6457/90; A-2597)	730.515	(P-1627)
790.4660	(P-3417; E-3537)	2058.900	(P-6457/90; A-2597)	730.520	(P-1627)
790.4740	(P-3417; E-3537)	2058.905	(P-6457/90; A-2597)	730.525	(P-1627)
790.5220	(P-3417; E-3537)	2530.Ap. B	(P-17428/90; A-1821)	730.530	(P-1627)
790.5312	(P-3417; E-3537)	TITLE 80		730.535	(P-1627)
790.5420	(P-3417; E-3537)	310.230	(P-14657/90; A-3296)	730.540	(P-1627)
790.5483	(P-3417; E-3537)	310.Ap.A	(PP-663) (P-14657/90; A-3296)	730.545	(P-1627)
790.5660	(P-3417; E-3537)	Tb. D	(P-14657/90; A-3296)	730.550	(P-1627)
790.5820	(P-3417; E-3537)	Tb. E	(P-14657/90; A-3296)	730.555	(P-1627)
790.5830	(P-3417; E-3537)	Tb. F	(PP-663)	730.600	(P-1650)
790.5900	(P-3417; E-3537)	Tb. P	(P-15186/90; A-4401)	730.601	(P-1650)
790.5924	(P-3417; E-3537)	310.Ap.C		730.602	(P-1650)
790.6300	(P-3417; E-3537)			730.603	(P-1650)
790.6505	(P-3417; E-3537)			730.604	(P-1650)
790.6875	(P-3417; E-3537)			730.605	(P-1650)
790.6960	(P-3417; E-3537)			730.606	(P-1650)
790.7120	(P-3417; E-3537)			730.607	(P-1650)
790.7221	(P-3417; E-3537)			730.608	(P-1650)
790.7245	(P-3417; E-3537)			730.609	(P-1650)
790.7278	(P-3417; E-3537)			730.610	(P-1650)
790.7280	(P-3417; E-3537)			730.611	(P-1650)
790.7740	(P-3417; E-3537)			730.700	(P-1650)
790.7820	(P-3417; E-3537)			730.701	(P-1650)
790.8015	(P-3417; E-3537)			730.702	(P-1650)
790.8020	(P-3417; E-3537)			730.703	(P-1650)
790.8290	(P-3417; E-3537)			730.705	(P-1650)
790.8500	(P-3417; E-3537)			730.715	(P-1650)
790.8580	(P-3417; E-3537)			730.720	(P-1650)
790.8620	(P-3417; E-3537)			730.725	(P-1650)
790.9056	(P-3417; E-3537)			730.801	(P-1650)
790.9220	(P-3417; E-3537)			730.802	(P-1650)
790.9420	(P-3417; E-3537)			730.803	(P-1650)
790.9460	(P-3417; E-3537)			730.804	(P-1650)
790.9500	(P-3417; E-3537)			730.805	(P-1650)
790.9580	(P-3417; E-3537)			730.806	(P-1650)
1130.Ap. A	(P-428)			730.807	(P-1650)
2058.105	(P-6457/90; A-2597)			730.808	(P-1650)
2058.110	(P-6457/90; A-2597)			730.809	(P-1650)
2058.120	(P-6457/90; A-2597)			730.810	(P-1650)
2058.125	(P-6457/90; A-2597)			730.811	(P-1650)
2058.230	(P-6457/90; A-2597)			730.812	(P-1650)
2058.235	(P-6457/90; A-2597)			730.813	(P-1650)

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650.69	r	(P-6725/90; A-2794)	27.50	n	(P-15262/90; A-2796)			
650.70	r	(P-6683/90; A-2740)	27.60	n	(P-15262/90; A-2796)			
650.70	r	(P-6683/90; A-2740)	27.70	n	(P-15262/90; A-2796)			
650.70	r	(P-6725/90; A-2794)	27.80	n	(P-15262/90; A-2796)			
650.70	r	(P-6683/90; A-2740)	27.90	n	(P-15262/90; A-2796)			
650.90	r	(P-6683/90; A-2740)	27.100	n	(P-15262/90; A-2796)			
650.90	r	(P-6725/90; A-2794)	27.110	n	(P-15262/90; A-2796)			
650.100	n	(P-6683/90; A-2740)	27.120	n	(P-15262/90; A-2796)			
650.100	r	(P-6725/90; A-2794)	27.130	n	(P-15262/90; A-2796)			
650.110	n	(P-6683/90; A-2740)	27.140	n	(P-15262/90; A-2796)			
650.120	n	(P-6683/90; A-2740)	27.150	n	(P-15262/90; A-2796)			
650.130	n	(P-6683/90; A-2740)	27.160	n	(P-15262/90; A-2796)			
650.140	n	(P-6683/90; A-2740)	37.20	n	(P-3275)			
650.150	n	(P-6683/90; A-2740)	37.30	n	(P-3275)			
650.160	n	(P-6683/90; A-2740)	37.40	n	(P-3275)			
650.200	r	(P-6725/90; A-2794)	37.50	n	(P-3275)			
650.500	r	(P-6725/90; A-2794)	37.60	n	(P-3275)			
650.600	r	(P-6725/90; A-2794)	37.70	n	(P-3275)			
650.700	r	(P-6725/90; A-2794)	37.80	n	(P-3275)			
650.1000	r	(P-6725/90; A-2794)	37.90	n	(P-3275)			
650.A.B	n	(P-6725/90; A-2794)	37.100	n	(P-3275)			
830.140	n	(P-4397)	37.110	n	(P-3275)			
860.20	am	(P-3228)	37.120	n	(P-3275)			
			37.130	n	(P-3275)			
			37.140	n	(P-3275)			
	r	(P-3231)	37.150	n	(P-3275)			
18.10	r	(P-3252)	57.10	n	(P-15283/90; A-2817)			
18.10	r	(P-3231)	57.20	n	(P-15283/90; A-2817)			
18.20	r	(P-3252)	57.30	n	(P-15283/90; A-2817)			
18.30	r	(P-3231)	57.40	n	(P-15283/90; A-2817)			
18.30	r	(P-3252)	57.50	n	(P-15283/90; A-2817)			
18.40	r	(P-3231)	57.60	n	(P-15283/90; A-2817)			
18.40	r	(P-3252)	57.70	n	(P-15283/90; A-2817)			
18.50	r	(P-3231)	57.80	n	(P-15283/90; A-2817)			
18.50	n	(P-3252)	57.90	n	(P-15283/90; A-2817)			
18.60	r	(P-3231)	57.100	n	(P-15283/90; A-2817)			
18.60	r	(P-3252)	57.110	n	(P-15283/90; A-2817)			
18.70	r	(P-3231)	57.120	n	(P-15283/90; A-2817)			
18.70	r	(P-3252)	57.130	n	(P-15283/90; A-2817)			
18.80	r	(P-3231)	57.140	n	(P-15283/90; A-2817)			
18.80	n	(P-3252)	57.150	n	(P-15283/90; A-2817)			
18.90	n	(P-3231)	171.6	am	(P-1452)			
18.90	n	(P-3252)	171.1000	am	(P-1461)			
18.100	n	(P-3231)	173.3000	am	(P-1466)			
18.100	n	(P-3252)	177.2000	am	(P-1472)			
18.110	r	(P-3231)	178.2000	am	(P-1483)			
18.110	r	(P-3252)	179.2000	am	(P-1447)			
18.120	n	(P-3231)	180.2000	am	(P-2940)			
18.120	n	(P-3252)	530.10	n	(P-3003)			
18.130	r	(P-3231)	530.10	r	(P-2940)			
18.130	n	(P-3252)	530.20	n	(P-2940)			
18.140	r	(P-3231)	530.30	n	(P-2940)			
18.140	r	(P-3252)	530.40	n	(P-2940)			
18.150	n	(P-3231)	530.50	n	(P-2940)			
18.150	r	(P-3252)	530.60	n	(P-2940)			
18.160	r	(P-3231)	530.100	n	(P-2940)			
18.160	r	(P-3252)	530.101	r	(P-3003)			
18.Ex.A	r	(P-3231)	530.102	r	(P-3003)			
18.Ex.A	n	(P-3252)	530.103	r	(P-3003)			
18.Ex.B	r	(P-3231)	530.104	r	(P-3003)			
18.Ex.B	r	(P-3252)						
II.A	r	(P-3231)						
II.B	r	(P-3231)						
27.10	n	(P-15262/90; A-2796)						
27.20	n	(P-15262/90; A-2796)						
27.30	n	(P-15262/90; A-2796)						
27.40	n	(P-15262/90; A-2796)						

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112.79	am	(P-2521)	141.4520	am	(P-831) (E-1121)
112.80	am	(P-2521)	141.4560	am	(P-831) (E-1121)
112.82	am	(P-2521) (E-2862)	141.4680	am	(P-831) (E-1121)
112.340	n	(P-157) (E-338)	144.275	am	(P-816)
113.9	am	(P-384)	147.5	am	(P-870)
113.155	am	(P-804) (E-1111)	147.25	am	(P-870)
113.251	am	(P-15701/90; A-277)	147.75	am	(P-870)
113.253	am	(P-1715)	147.150	am	(P-13967/90; A-2715)
113.260	am	(P-1715)	147.200	am	(P-13967/90; A-2715)
113.303	am	(P-15701/90; A-277)	147.205	am	(P-9355/90; O-13039/90;
114.9	am	(P-394)	147.300	n	R-3129; A-3058)
114.402	am	(P-15712/90; A-288)	147.305	n	(P-9355/90; O-13039/90;
120.61	am	(P-159) (E-348)	147.305	n	R-3129) (A-3058)
120.65	n	(P-2908)	147.310	n	(P-9355/90; O-13039/90;
120.72	am	(P-159) (E-348)	147.310	n	R-3129; A-3058)
120.74	am	(P-159) (E-348)	147.315	n	(P-9355/90; O-13039/90;
120.319	am	(P-833)	147.315	n	R-3129; A-3058)
120.320	am	(P-833)	147.320	n	(P-9355/90; O-13039/90;
120.321	am	(P-833)	147.320	n	R-3129; A-3058)
120.322	am	(P-833)	147.325	n	(P-9355/90; O-13039/90;
120.323	am	(P-833)	147.325	n	R-3129; A-3058)
120.386	am	(P-159) (E-348)	147.330	n	(P-9355/90; O-13039/90;
140.16	am	(P-847)	147.330	n	R-3129; A-3058)
140.413	am	(P-406) (E-592)	147.335	n	(P-9355/90; O-13039/90;
140.420	am	(P-1414)	147.335	n	R-3129; A-3058)
140.421	am	(P-1414)	147.340	n	(P-9355/90; O-13039/90;
140.475	am	(P-847)	147.340	n	R-3129; A-3058)
140.485	am	(P-14317/90; O-21120/90;	147.345	n	(P-9355/90; O-13039/90;
		RC-21124/90; RC-21135/90;		n	R-3129; A-3058)
		M-368; A-298)	147.350	n	(P-9355/90; O-13039/90;
140.486	r	(P-14317/90; A-298)	147.350	n	R-3129; A-3058)
140.487	am	(P-14317/90; A-298)	147.350	n	(P-870)
140.488	n	(P-14317/90; A-298)	147.350	n	(P-870)
140.523	am	(P-14681/90; A-1051)	147.350	n	(P-870)
140.562	am	(P-13963/90; O-17718/90;	147.350	n	(P-870)
		R-366)	147.350	n	(P-870)
140.569	am	(P-7834/90; A-18813/90;	147.350	n	(P-870)
		C-1174)	147.350	n	(P-870)
140.662	am	(P-14317/90; A-298)	149.150	am	(P-15722/90; A-1826)
140.7b.A	r	(P-14317/90; A-298)	149.150	am	(P-806)
140.7b.D	am	(P-1414)	160.5	am	(P-806)
141.560	am	(P-831) (E-1121)	160.10	am	(P-806)
141.680	am	(P-831) (E-1121)	160.20	am	(P-806)
141.760	am	(P-831) (E-1121)	160.70	am	(P-17436/90; A-1034)
141.1125	am	(P-831) (E-1121)	240.1665	am	(E-2838)
141.1200	am	(P-831) (E-1121)	431.2	am	(P-4303/90; A-24)
141.1240	am	(P-831) (E-1121)	431.3	am	(P-4303/90; A-24)
141.1520	am	(P-831) (E-1121)	431.5	am	(P-4303/90; A-24)
141.1840	am	(P-831) (E-1121)	515.400	n	(P-9370/90; O-17698/90;
141.1880	am	(P-831) (E-1121)		n	M-4464)
141.2040	am	(P-831) (E-1121)	562.30	am	(P-161)
141.2400	am	(P-831) (E-1121)	650.1	r	(P-6725/90; A-2794)
141.2520	am	(P-831) (E-1121)	650.10	n	(P-6683/90; A-2740)
141.2640	am	(P-831) (E-1121)	650.10	n	(P-6725/90; A-2794)
141.2920	am	(P-831) (E-1121)	650.20	r	(P-6683/90; A-2740)
141.3320	am	(P-831) (E-1121)	650.20	n	(P-6725/90; A-2794)
141.3560	am	(P-831) (E-1121)	650.30	r	(P-6683/90; A-2740)
141.3600	am	(P-831) (E-1121)	650.30	r	(P-6725/90; A-2794)
141.3640	am	(P-831) (E-1121)	650.40	n	(P-6683/90; A-2740)
141.3720	am	(P-831) (E-1121)	650.40	r	(P-6725/90; A-2794)
141.3800	am	(P-831) (E-1121)	650.50	n	(P-6683/90; A-2740)
141.4240	am	(P-831) (E-1121)	650.50	r	(P-6725/90; A-2794)
141.4360	am	(P-831) (E-1121)	650.60	n	(P-6683/90; A-2740)

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530.105	r	(P-3003)	530.520	n	(P-2940)
530.106	r	(P-3003)	530.530	n	(P-2940)
530.107	r	(P-3003)	530.600	n	(P-2940)
530.108	r	(P-3003)	530.601	r	(P-3003)
530.109	r	(P-3003)	530.602	r	(P-3003)
530.110	n	(P-2940)	530.603	r	(P-3003)
530.111	r	(P-3003)	530.610	n	(P-2940)
530.112	r	(P-3003)	530.700	n	(P-2940)
530.113	r	(P-3003)	530.701	r	(P-3003)
530.114	r	(P-3003)	530.702	r	(P-3003)
530.115	r	(P-3003)	530.710	n	(P-2940)
530.116	r	(P-3003)	530.800	n	(P-2940)
530.117	r	(P-3003)	530.801	r	(P-3003)
530.118	r	(P-3003)	530.802	r	(P-3003)
530.119	r	(P-3003)	530.803	r	(P-3003)
530.120	n	(P-2940)	530.804	r	(P-3003)
530.121	r	(P-3003)	530.810	n	(P-2940)
530.122	r	(P-3003)	530.820	n	(P-2940)
530.123	r	(P-3003)	530.830	n	(P-2940)
530.130	n	(P-2940)	530.840	n	(P-2940)
530.140	n	(P-2940)	530.900	n	(P-2940)
530.150	n	(P-2940)	530.901	r	(P-3003)
530.200	n	(P-2940)	530.902	r	(P-3003)
530.201	r	(P-3003)	530.903	r	(P-3003)
530.202	r	(P-3003)	530.904	r	(P-3003)
530.203	r	(P-3003)	530.905	r	(P-3003)
530.210	n	(P-2940)	530.906	r	(P-3003)
530.220	n	(P-2940)	530.907	r	(P-3003)
530.225	n	(P-2940)	530.908	r	(P-3003)
530.230	n	(P-2940)	530.909	r	(P-3003)
530.240	n	(P-2940)	530.11. A	n	(P-2940)
530.250	n	(P-2940)	720.10	am	(P-3426)
530.260	n	(P-2940)	1311.10	n	(P-4195)
530.270	n	(P-2940)			
530.275	n	(P-2940)			
530.280	n	(P-2940)			
530.290	n	(P-2940)			
530.300	n	(P-2940)			
530.301	r	(P-3003)			
530.302	r	(P-3003)			
530.303	r	(P-3003)			
530.310	n	(P-2940)			
530.320	n	(P-2940)			
530.330	n	(P-2940)			
530.400	n	(P-2940)			
530.401	r	(P-3003)			
530.402	r	(P-3003)			
530.403	r	(P-3003)			
530.410	n	(P-2940)			
530.420	n	(P-2940)			
530.430	n	(P-2940)			
530.440	n	(P-2940)			
530.450	n	(P-2940)			
530.460	n	(P-2940)			
530.470	n	(P-2940)			
530.480	n	(P-2940)			
530.500	n	(P-2940)			
530.501	r	(P-3003)			
530.502	r	(P-3003)			
530.503	r	(P-3003)			
530.510	n	(P-2940)			

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